

FEDERAL REGISTER

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TITLE 3—THE PRESIDENT PROCLAMATION 2845

DESIGNATING THE COLUMBIA NATIONAL FOREST AS THE GIFFORD PINCHOT NATIONAL FOREST

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

WHEREAS Gifford Pinchot, the first Chief of the Forest Service, who served in the Department of Agriculture from 1898 to 1910, was primarily responsible for the establishment of our national-forest system; and

WHEREAS he established many of the basic policies which guide our national-forest administration today; and

WHEREAS he has long been recognized as the foremost forester and forest conservationist of this Nation; and

WHEREAS his life was spent almost wholly in the service of the public; and

WHEREAS it is especially appropriate to pay tribute to Gifford Pinchot by naming one of our great national forests in his honor:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States, under and by virtue of the authority vested in me by the act of June 4, 1897, 30 Stat. 11, 36 (16 U. S. C. 473), do hereby proclaim that the Columbia National Forest in the State of Washington, as defined by Executive Order No. 820 of June 18, 1908, and as subsequently modified by Executive orders and acts of Congress, is hereby designated and hereafter shall be known as the Gifford Pinchot National Forest.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 15th day of June in the year of our Lord nineteen hundred and forty-nine, and of the Independence of the United States of America the one hundred and seventy-third.

HARRY S. TRUMAN

By the President:

JAMES E. WEBB,
Acting Secretary of State.

[F. R. Doc. 49-4944; Filed, June 16, 1949; 10:41 a. m.]

TITLE 6—AGRICULTURAL CREDIT Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

PART 648—POTATOES, IRISH

SUBPART—1949 IRISH POTATO PRICE SUPPORT PURCHASE PROGRAM

United States Department of Agriculture will support the price of the 1949 crop of Irish potatoes at 60 percent of parity by means of purchase, loan, and other operations.

This bulletin states the requirements with respect to the 1949 Irish Potato Price Support purchase program formulated by the Commodity Credit Corporation (hereinafter referred to as CCC) and the Production and Marketing Administration (hereinafter referred to as PMA) of the United States Department of Agriculture (hereinafter referred to as the Department). The program will be carried out by PMA under the general supervision and direction of the Manager, Commodity Credit Corporation. Purchase of eligible Irish potatoes will be made by CCC from eligible growers or dealers in accordance with the provisions of this bulletin.

- Sec.
- 648.101 Administration.
 - 648.102 Availability of program.
 - 648.103 Eligibility of growers.
 - 648.104 Eligibility of dealers.
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 - 648.119 Marketing agreements.

AUTHORITY: §§ 648.100 to 648.119 issued under Pub. Law 897, 80th Cong., and Pub. Law 806, 80th Cong.

§ 648.101 Administration. In the field the program will be administered by

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State PMA Committees, County Agricultural Conservation Committees (hereinafter referred to as county committees) and PMA Commodity Offices. County committees will determine or cause to be determined the eligibility of growers to participate in the program and may designate in writing certain employees of the County Agricultural Conservation Association to execute certificates of eligibility on behalf of the committees. State PMA Committees will determine the eligibility of dealers.

§ 648.102 Availability of purchase program. Purchases by CCC will be made from eligible growers and dealers to the extent required to afford eligible growers price support at 60 percent of parity. Purchase operations in individual production areas may be limited to the normal marketing periods of these areas and will terminate generally by April 30, 1950. The exact date, however, may be later in any particular State or area if prevailing conditions in that State or area are such that a continuation of purchase operations is necessary to bring about an orderly termination of the program.

§ 648.103 Eligibility of growers—(a) Only those growers shall be eligible for participation in the price support program who:

(1) Have been determined to be in compliance with 1949 potato acreage goals established pursuant to § 648.71 to § 648.85 (14 F. R. 431), except that this requirement is waived for growers whose planted acreage of early potatoes exceeded their farm acreage goals at the time notice of goals was given to such growers.

(2) Have paid a service fee determined on the basis of a yield established by the State PMA Committee applied to individual goal acreages. In the event of unusual planting conditions in an area, the Director, Fruit and Vegetable Branch may approve the use of planted acres instead of goal acres in determining amount of fee. (See § 648.107.)

(3) Have applied for a certificate of eligibility prior to the final date established for the locality by the State PMA Committee, using the form provided for this purpose. This application shall recognize authority for the Department, among other things, (i) to require that specified grades and sizes of potatoes be sold to the Department or to outlets approved by the Department, and (ii) to limit the rate at which any or all potatoes may be offered to the Department, regardless of time of harvest or availability of storage.

(b) A grower's certificate of eligibility may be cancelled by the State PMA Committee at any time upon 48 hours written notice (1) upon request of the grower, or (2) upon determination by the State PMA Committee that the grower misrepresented the facts in his application for eligibility, or violated the terms of his

eligibility agreement. Such cancellation shall not affect any transactions entered into prior to the time that the cancellation becomes effective, nor shall such cancellation affect the grower's obligation with respect to imported certified seed potatoes. (See § 648.108.)

§ 648.104 Eligibility of dealers. Eligible dealers are dealers, including cooperative associations of growers, who are licensed under the Perishable Agricultural Commodities Act and who have applied to and are approved by the State PMA Committee for participation in the 1949 Irish Potato Price Support Program.

(a) Standards to be considered in reviewing and approving a dealer's application are the dealer's business responsibility, previous relations with the Department and with growers, facilities to grade and handle potatoes and to segregate eligible potatoes purchased from eligible growers, and such other appropriate standards as may be established by the State PMA Committee.

(b) A dealer's approved application for participation will be canceled by the State PMA Committee at the request of the dealer or at its discretion. Such cancellation shall become effective not less than forty-eight (48) hours after written notice thereof has been mailed to or deposited at the dealer's place of business. Such cancellation shall not affect any transaction entered into prior to the time the cancellation becomes effective, nor shall such cancellation affect the dealer's obligation with respect to imported certified seed potatoes. (See § 648.108.)

(c) Information as to requirements and forms may be obtained from State PMA Committees or county committees.

§ 648.105 Eligibility of potatoes. All potatoes produced by eligible growers shall be eligible for price support except:

(a) Potatoes failing to meet the quality requirements of U. S. No. 2 grade, 1 1/8 inches minimum diameter.

(b) Potatoes harvested from land designated by a State or Federal agency prior to planting time as infested with golden nematode.

(c) Potatoes whose distribution is restricted or limited to specific markets by State or Federal quarantine regulations.

(d) Potatoes which are not in suitable shipping condition, as defined in regulations under the Perishable Agricultural Commodities Act; or potatoes found objectionable because of odor, flavor, internal discoloration, or other invisible damage whether or not apparent at time of shipment and whether or not subject to determination by customary shipping point inspection procedure.

(e) Potatoes which are less than "fairly well matured" as defined in applicable purchase announcements.

§ 648.106 Restrictions on sales. (a) When so directed by CCC, the grower or dealer will sell eligible potatoes of specified low grades and qualities only to CCC, if such grower or dealer desires to make any sales whatsoever of such potatoes, at applicable prices set forth in the purchase announcement, or without liability

to CCC, to outlets approved in writing by CCC; and (b) when so directed by CCC and without liability to CCC, the grower or dealer will not sell, or handle for sale in domestic food or seed markets, cull potatoes (those below the requirements of U. S. No. 2 grade, 1 1/8 inches minimum diameter) whether produced by eligible or ineligible growers.

§ 648.107 *Service fee.* Application for eligibility by a grower shall be made prior to a final date established by the State PMA Committee and shall be accompanied by payment of a service fee. The amount of this service fee shall be a rate per acre times number of goal acres times grower's interest in the potato crop, except that if unusual conditions existed at planting time in an area, the Director, Fruit and Vegetable Branch, may approve the use of planted acres instead of goal acres in determining amount of service fee. The rate per acre shall be one cent per cwt. times the estimated yield in cwt. established for the State or area by the State PMA Committee. Minimum fee shall be \$5.00 per application. No refund of service fee shall be made.

§ 648.108 *Importation of certified seed potatoes.* The grower or dealer agrees that until December 31, 1950, any certified seed potatoes which he has imported or will import into the United States of America will not be sold or delivered by him in the United States of America for table stock purposes, and in case of the sale or delivery of such seed potatoes during said period, he will obtain an agreement, in writing, from the person(s) to whom such seed potatoes are sold or delivered that such person(s) will not resell or use the seed potatoes purchased from him in the United States of America for table stock purposes. Violation of the provisions of this section shall subject grower or dealer to liquidated damages pursuant to § 648.109.

§ 648.109 *Compliance.* (a) In the event a grower or dealer sells ineligible potatoes to CCC, such grower or dealer shall pay to CCC any damages sustained by CCC, which damages shall consist of the purchase price, transportation charges and any other expenses incurred by CCC in connection with such potatoes. Determinations by CCC as to the amount of damages sustained shall be final.

(b) In the event grower or dealer (1) fails to comply with the provisions of § 648.108, or (2) fails to comply with directions issued by CCC pursuant to § 648.106, or (3) if the dealer fails to pay at least the equivalent of applicable support prices for all eligible potatoes purchased from eligible growers, it is understood that, in view of the difficulty of ascertaining the exact damages suffered by CCC as a result of such actions by the grower or dealer, such damages shall be \$3.00 per one hundred (100) pounds or fraction thereof of the potatoes so sold or delivered; and the grower or dealer shall pay said amount to CCC as compensation and not as a penalty.

(c) These provisions for damages or payment of such damages shall not pre-

clude any other relief, at law or in equity, to which the Government may be entitled apart from CCC's claim for damages.

§ 648.110 *Approved forms.* The approved forms together with the provisions of this bulletin, govern the rights and responsibilities of growers, dealers, and CCC. All forms except the Inspection Certificate which is furnished by the Federal or Federal-State Inspection Service may be obtained from the offices of county committees or State PMA Committees. Any fraudulent representation made by a grower or dealer in obtaining price support or in executing any of the purchase documents may subject him to criminal prosecution.

(a) *Grower eligibility.* Approved form shall consist of Form 49 Potatoes-5 "Producer's Application for 1949 Certificate of Eligibility," signed by the producer and approved by the county committee.

(b) *Dealer participation.* Approved form shall consist of Form 49 Potatoes-3 "Dealer Application for Eligibility—1949 Potato Price Support Program" signed by a potato dealer and approved by the State PMA Committee.

(c) *Inspection certificate.* Approved form shall consist of Form FV-47 "Inspection Certificate," signed by a Federal or Federal-State Inspector.

(d) *Payment.* Approved forms for claiming payment from CCC shall consist of Form CCC-125 (or SMA-120) "Public Voucher—Purchase Programs" properly executed and signed by the vendor and administratively approved by the Purchase Representative, and such other forms as may be prescribed.

§ 648.111 *Sales to eligible dealers.* Eligible dealers are required to pay not less than the equivalent of applicable support prices for all eligible potatoes purchased from eligible growers. In their purchases of potatoes from a grower or from another eligible dealer they will pay the sellers directly and CCC assumes no obligation to the sellers in connection with such sales. Names and addresses of eligible dealers may be obtained from State PMA Committees or county committees.

§ 648.112 *Purchases by CCC.* CCC will make purchases only of eligible potatoes from eligible growers and eligible dealers and only on the basis of offers made to CCC pursuant to purchase announcements applicable to a State or to an area within a State, and issued under the direction of the State PMA Committee. Such announcement signed by a CCC Contracting Officer, will prescribe the terms and conditions under which purchases will be made, such as: (a) Period of purchase operations; (b) method of purchase; (c) prices; (d) packaging; (e) loading; (f) inspection; (g) weight certificate and protective service requirements; (h) evidence required to support claim for payment; and (i) name and address of the Purchase Representative and such other persons as are qualified to furnish information to growers and dealers with respect to the program. Copies of such announcement may be obtained from State PMA Committees or county committees.

§ 648.113 *Determination of quantity.* Eligible potatoes in containers will be purchased, on the basis of the net weight or net content stamped or marked on the containers. Eligible potatoes in bulk will be purchased on the basis of public weighmaster's weight certificate furnished by the vendor substantiating the quantity to be purchased, or the Purchase Representative may direct that such weight be determined on the basis of 2.4 cubic feet per hundred pounds.

§ 648.114 *Inspection.* All potatoes offered for purchase must have been inspected by the Federal-State inspection service within 48 hours prior to acceptance by CCC unless provided otherwise in the purchase announcement. Vendors must arrange for the inspection and furnish official inspection certificates without cost to CCC unless otherwise directed.

§ 648.115 *Delivery.* Potatoes offered to CCC for purchase shall be accepted only if they are delivered in accordance with delivery instructions issued by the Purchase Representative. CCC may prescribe time periods within which only such quantities, grades, or varieties as are determined to be a reasonable portion of the maximum quantity eligible for price support will be accepted. If potatoes are delivered to CCC and are later found objectionable because of odor, flavor, internal discoloration or other invisible damage, whether or not apparent at the time of shipment and whether or not subject to determination by customary shipping point inspection procedure, the vendor will be extended the opportunity to repossess the potatoes when and where the condition is discovered, and if he elects to repossess the potatoes, he shall refund to CCC the purchase price of the entire lot of potatoes plus transportation, storage, and related costs as have been incurred by CCC on such lot of potatoes.

§ 648.116 *Liens.* If potatoes tendered to CCC are subject to any liens or encumbrances vendors shall obtain proper lien waivers, except with reference to chattel mortgages securing loans under the 1949 CCC Potato Loan Program, and furnish such waivers to CCC when the potatoes are tendered for purchase. Vendors must disclose on the claim for payment submitted to CCC, all liens and encumbrances on potatoes sold to CCC, including liens created under the 1949 CCC Potato Loan Program as well as liens as to which waivers are required.

§ 648.117 *Set-offs.* (a) If the vendor is indebted to CCC, whether or not such indebtedness is listed on the county debt register, he must designate CCC as the payee of the proceeds of the loan or purchase to the extent of such indebtedness but not to exceed that portion of the proceeds remaining after deduction of amounts due prior lienholders. If the vendor is indebted to any other agency of the United States and such indebtedness is listed on the county debt register, he must designate such agency as payee of the proceeds as provided above.

(b) A grower may be required by an eligible dealer who purchases potatoes from him to authorize such dealer to turn

over the proceeds of such purchase, after deduction of amounts due prior lienholders, to the County Agricultural Conservation Association to the extent required to pay any debt owing to CCC, whether or not listed on the county debt register, and any debt owing to any other agency of the United States listed on the county debt register.

(c) Indebtedness owing to CCC shall be given first consideration after claims of prior lienholders.

§ 648.118 *Support prices for eligible Irish potatoes of the 1949 crop.* Shown below are basic support prices for U. S. No. 1, U. S. Commercial, U. S. No. 1 Size B, and U. S. No. 2, 1 7/8 inches minimum diameter, grades of potatoes segregated by grades, packed in new burlap or cotton bags, and loaded f. o. b. through car-

rier in carlots or trucklots at country shipping points. Purchases for price support purposes will be made at these basic prices, modified as may be necessary as follows: (a) Purchases of potatoes packed in used burlap or cotton bags shall be at prices 10 cents less than basic prices shown; and (b) purchases of potatoes in position other than sacked and loaded f. o. b. country shipping points shall be at prices determined (1) by subtracting from basic prices the cost as established by PMA, of all marketing services customarily required to move the potatoes from a farm to a sacked and loaded position, and then (2) by adding the cost as established by PMA of such marketing services as CCC recognizes to be necessary to move potatoes from a farm position to the position of authorized purchase. Prices are as follows:

(Dollars per hundredweight)

State and area	1949										1950		
	April ¹	May	June	July	August	September	October	November	December	January	February	March	
North Carolina			1.70	1.60	1.60								
South Carolina		2.00	1.90	1.70									
Georgia		2.00	1.90	1.70									
Florida ²	2.00	2.00	1.90	1.75	1.60								
Florida, other	3.20	2.00	1.90	1.75									
Tennessee			1.90	1.85	1.70								
Alabama		2.00	1.90	1.75	1.60								
Mississippi		2.00	1.90	1.75									
Arkansas			1.90	1.55	1.55								
Louisiana		2.00	1.90	1.75									
Oklahoma			1.90	1.40	1.40	1.40							
Texas	3.20	2.00	1.90	1.40	1.40	1.40	1.40	1.55	1.75	1.95	2.00	2.05	
California	1.90	1.80	1.70	1.60	1.60	1.60	1.60	1.75	1.95	2.15	2.20	2.25	
Arizona		1.80	1.70	1.60	1.60	1.60	1.60	1.75	1.95	2.15	2.20	2.25	
New Mexico				1.40	1.40	1.40	1.40	1.55	1.75	1.95	2.00	2.05	
New Jersey				1.80	1.80	1.80	1.80	1.95	2.15	2.35	2.40	2.45	
Delaware				1.60	1.60	1.60	1.60						
Maryland				1.60	1.60	1.60	1.60						
Virginia			1.70	1.60	1.60	1.60							
Kentucky				1.85	1.70	1.70	1.70						
Maine				1.70	1.70	1.70	1.70						
Kansas				1.70	1.70	1.70	1.70						
New York, Long Island				1.80	1.80	1.80	1.80	1.95	2.15	2.35	2.40	2.45	
Maine				1.55	1.55	1.70	1.90	2.10	2.15	2.15	2.20	2.20	
New York, Upstate				1.75	1.75	1.90	2.10	2.30	2.35	2.40	2.40	2.40	
Pennsylvania				1.50	1.50	1.65	1.85	2.05	2.10	2.15	2.15	2.15	
Michigan				1.35	1.35	1.50	1.70	1.90	1.95	2.00	2.00	2.00	
Wisconsin				1.20	1.20	1.35	1.55	1.75	1.80	1.85	1.85	1.85	
Minnesota				1.20	1.20	1.35	1.55	1.75	1.80	1.85	1.85	1.85	
North Dakota				1.30	1.30	1.45	1.65	1.85	1.90	1.95	1.95	1.95	
South Dakota				1.60	1.60	1.75	1.95	2.15	2.20	2.25	2.25	2.25	
Nebraska				1.40	1.40	1.55	1.75	1.95	2.00	2.05	2.05	2.05	
Montana				1.40	1.40	1.55	1.75	1.95	2.00	2.05	2.05	2.05	
Idaho				1.60	1.60	1.75	1.95	2.15	2.20	2.25	2.25	2.25	
Wyoming ⁴				1.50	1.50	1.65	1.85	2.05	2.10	2.15	2.15	2.15	
Wyoming, Other				1.40	1.40	1.55	1.75	1.95	2.00	2.05	2.05	2.05	
Colorado				1.40	1.40	1.55	1.75	1.95	2.00	2.05	2.05	2.05	
Utah				1.55	1.55	1.70	1.90	2.10	2.15	2.20	2.20	2.20	
Nevada				1.25	1.40	1.65	1.85	2.20	2.30	2.35	2.35	2.35	
Washington				1.40	1.40	1.55	1.75	1.95	2.00	2.05	2.05	2.05	
Oregon, Eastern ⁵				1.60	1.60	1.75	1.95	2.15	2.20	2.25	2.25	2.25	
Oregon, Other				1.80	1.80	1.95	2.15	2.35	2.40	2.45	2.45	2.45	
New Hampshire				1.80	1.80	1.95	2.15	2.35	2.40	2.45	2.45	2.45	
Vermont				1.80	1.80	1.95	2.15	2.35	2.40	2.45	2.45	2.45	
Massachusetts				1.80	1.80	1.95	2.15	2.35	2.40	2.45	2.45	2.45	
Rhode Island				1.80	1.80	1.95	2.00	2.20	2.25	2.30	2.30	2.30	
Connecticut				1.80	1.80	1.95	2.15	2.35	2.40	2.45	2.45	2.45	
West Virginia				1.80	1.80	1.95	2.15	2.35	2.40	2.45	2.45	2.45	
Ohio				1.75	1.75	1.90	2.10	2.30	2.35	2.40	2.40	2.40	
Indiana				1.60	1.60	1.75	1.95	2.15	2.20	2.25	2.25	2.25	
Illinois				1.60	1.60	1.75	1.95	2.15	2.20	2.25	2.25	2.25	
Iowa				1.50	1.50	1.65	1.85	2.05	2.10	2.15	2.15	2.15	
Other States ⁶				1.65	1.65	1.65	1.80	2.00	2.20	2.25	2.30	2.30	

¹ The first price shown for each State is applicable also to the preceding months of the 1949 crop marketing season.

² Prices shown for March are applicable through Apr. 30, 1950, or such later dates as subsequently are established for each State or area.

³ Counties west of the Suwannee River.

⁴ Goshen and Laramie Counties.

⁵ Counties of Malheur, Baker, Union, and Wallawa.

⁶ All States and areas except those for which specific prices by months are included in this schedule.

§ 648.119 *Marketing agreements and orders.* If the Department determines that a Marketing Agreement and Order Program is feasible in a given area, eligibility for price support in that area

may be conditioned upon the cooperation of growers and handlers in the promulgation of a marketing agreement and order program, and the continuation of such program in effect.

Issued this 13th day of June 1949.

[SEAL] HAROLD K. HILL,
Acting Manager,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 49-4858; Filed, June 16, 1949;
8:49 a. m.]

[1948 C. C. C. Rye Bulletin 1, Amdt. 6]

PART 656—RYE

SUBPART—1948 RYE LOAN AND PURCHASE PROGRAM

The regulations issued by Commodity Credit Corporation and Production and Marketing Administration (13 F. R. 4989, 5525, 7291, and 14 F. R. 405, 1732 and 2043), governing loans and purchase agreements made available on 1948-crop rye, are amended as follows:

In § 656.24 (formerly § 266.224), *Rates at which loans and purchases will be made*, under paragraph (d), *County rates*, the following county and rate therefor are added:

MONTANA
County: Dawson Rate \$1.14

(Sec. 6 (d) Pub. Law 806, 80th Cong.)

Issued this 14th day of June 1949.

[SEAL] ELMER F. KRUSE,
Manager,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 49-4889; Filed, June 16, 1949;
9:01 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[4th Gen. Rev. of Export Regs., Amdt. 13]

PART 382—DENIAL OF LICENSING PRIVILEGES

Part 382, Denial of Licensing Privileges, is amended to read as follows:

- Sec.
- 382.1 Authority to deny license privileges.
 - 382.2 Compliance Commissioners.
 - 382.3 Institution of proceedings.
 - 382.4 Default.
 - 382.5 Answer.
 - 382.6 Subpoenas.
 - 382.7 Hearings.
 - 382.8 Report of Compliance Commissioner.
 - 382.9 Disposition.
 - 382.10 Consent orders.
 - 382.11 Temporary suspensions.
 - 382.12 Rehearings.
 - 382.13 Appeals.
 - 382.14 Proceedings confidential.

AUTHORITY: §§ 382.1 to 382.14 issued under Pub. Law 11, 81st Cong.; E. O. 9630, Sept. 27,

1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.

§ 382.1 *Authority to deny license privileges.* Any person who violates any law or regulation relating to export control may be denied the privilege of obtaining or using export licenses, including general licenses, as well as the privilege of participating directly or indirectly in obtaining or using such licenses or in the financing, transporting, or other servicing of exports. Such denial of license privileges shall take the form of an order issued in the name and under the authority of the Director of the Commodities Division of the Office of International Trade and shall be effective for such period of time and on such terms and conditions as may be deemed appropriate and prescribed therein. Such an order may be made applicable not only to persons named therein as having committed a violation but also, to the extent necessary to prevent evasion, to other persons with whom said named persons may be related by ownership, control or other connection in the conduct of export trade. Any statute, proclamation, Executive order, regulation or order applicable to any conduct involved in obtaining or using an export license or other export control document shall be deemed to be a "law or regulation relating to export control".

NOTE: This procedure in no way restricts the present practice of referring appropriate cases to the Department of Justice for criminal prosecution. Violations of export control regulations not only may result in denial of license privileges but also are punishable by a fine of not more than \$10,000, or by imprisonment for not more than 1 year, or both. Any submission of false information, whether in connection with license applications, export, declarations, investigations, compliance proceedings, appeals, or otherwise, is punishable by a fine of not more than \$10,000, or by imprisonment for not more than 5 years, or both.

§ 382.2 *Compliance Commissioners.* The Assistant Director of the Office of International Trade will designate one or more persons to act as Compliance Commissioners who shall have the powers and duties provided herein. Persons attached to the Commodities Division or Enforcement Staff of the Office of International Trade shall not be qualified to act as Compliance Commissioners.

§ 382.3 *Institution of proceedings.* The Director of the Enforcement Staff may, with the approval of the Office of the General Counsel, initiate proceedings for the denial of license privileges of any person whom he has reason to believe has violated any law or regulation relating to export control. Such proceedings shall be initiated by sending a notification (to be known as a charging letter) either by telegraph or by registered mail to each person against whom proceedings are brought (to be known as a respondent) at his last known address. The charging letter shall set forth the specific violations charged, including reference to the particular regulatory or other provisions alleged to have been violated, and shall give notice that, if the respondent is found to have com-

mitted the alleged violations, his privilege of obtaining or using export licenses, including general licenses, may be denied. The charging letter shall inform the respondent that he may submit his answer in writing or, if he so requests, may be accorded an oral hearing at a time and place to be subsequently fixed, but that, unless either his written answer or his written request for an oral hearing is received by the Director of the Enforcement Staff at least ten (10) days after receipt of the charging letter by respondent, he will be held in default and an order denying his license privileges may be entered forthwith. Charges may be amended from time to time upon reasonable notice.

§ 382.4 *Default.* If the respondent does not answer the charges or request an oral hearing within the time prescribed in § 382.3, he shall be held in default. In such case the evidence of violation shall be informally presented to the Compliance Commissioner, but the proceedings shall otherwise be the same as in contested cases. Failure of a respondent to receive a charging letter addressed and transmitted to him as provided in § 382.3 shall not prevent or invalidate such default but a respondent who has not received the charging letter may at any time move to vacate or modify any order issued pursuant to such charging letter. Proceedings on such a motion, including a hearing if requested, shall be conducted as provided in § 382.11 (c) with respect to motions to vacate or modify a temporary suspension order.

§ 382.5 *Answer.* The respondent may answer the charges or request an oral hearing within the time prescribed in § 382.3 by submitting his written answer or request in duplicate to the Director of the Enforcement Staff, Office of International Trade, Department of Commerce, Washington 25, D. C. If the respondent so desires, he may waive the oral hearing and have the case considered by the Compliance Commissioner on the basis of his written answer, in which event final disposition of the case shall be made without formal hearing. In lieu of such a hearing, the evidence of violation shall be informally presented to the Compliance Commissioner, who shall consider it together with the answer, but the proceedings shall otherwise be the same as in other cases. If the respondent desires to present his answer at an oral hearing, he shall be accorded an opportunity to do so at a time and place to be fixed by the Director of the Enforcement Staff on at least 10 days' notice, provided the respondent has requested such hearing within the time prescribed in § 382.3. The date of hearing may be advanced upon request of respondent, and hearings may be postponed or continued from time to time upon reasonable notice.

§ 382.6 *Subpoenas.* The Compliance Commissioner may issue subpoenas, returnable before him, at the request of any party to a proceeding before him, requiring the attendance of witnesses and the production of books, records or other documentary or physical evidence deter-

mined by the Compliance Commissioner to be relevant and material to the proceedings, reasonable in scope, and properly obtainable by subpoena.

§ 382.7 *Hearings.* Hearings shall be conducted by the Compliance Commissioner in a fair and impartial manner. The exclusionary rules of evidence prevailing in courts of law shall not apply but all evidence relevant and material to the inquiry shall be received and given appropriate weight. The Compliance Commissioner may administer oaths and affirmations. Respondent may be represented by counsel but need not be. The proceedings shall be taken by a reporter, transcribed, and filed with the Compliance Commissioner. Respondent shall have an opportunity of examining the transcript and of obtaining a copy upon payment of proper costs. Any party to the proceedings may file a bill of exceptions to the transcript with the Compliance Commissioner within five days after a copy of the transcript is made available to him, or within such other time as the Compliance Commissioner may prescribe. The Compliance Commissioner shall rule upon such exceptions in making the report for which provision is made in § 382.8. Any bill of exceptions so filed shall henceforth accompany the transcript.

§ 382.8 *Report of Compliance Commissioner.* The Compliance Commissioner shall consider the record, including any bill of exceptions filed thereto, and shall prepare a written report which shall include findings of fact, including a finding whether or not a violation has occurred, and recommendations. The report, transcript, exhibits, and bills of exceptions, if any, shall be transmitted to the Director of the Commodities Division.

§ 382.9 *Disposition.* The Director of the Commodities Division shall review the record, consider the report of the Compliance Commissioner, and determine the disposition of the case. If the Compliance Commissioner has found that a violation has been committed, his recommendations shall be advisory only, and the Director of the Commodities Division may issue such order as he deems appropriate. If the Compliance Commissioner has found that no violation has been committed, the Director of the Commodities Division shall enter an order dismissing the charges. A certified copy of the order, together with a copy of the Compliance Commissioner's report, shall be sent to the respondent by registered mail. Any such order denying license privileges shall be published in the FEDERAL REGISTER as soon as practicable after issuance.

§ 382.10 *Consent orders.* The Director of the Enforcement Staff and the respondent may, after transmission of a charging letter, by agreement submit to the Compliance Commissioner a proposal for the issuance of a consent order. The Compliance Commissioner shall review the facts of the case and the proposal and for this purpose may conduct informal conferences with the parties and may require the informal presentation before him of the evidence in the case.

If he does not approve the proposal, he shall so notify the respondent and the Director of the Enforcement Staff, and the case shall proceed to hearing. If he approves the proposal, he shall report the facts of the case with his recommendations to the Director of the Commodities Division. The Director of the Commodities Division may reject the proposal, in which event the case will proceed to hearing, or he may accept the proposal and issue an appropriate order.

§ 382.11 *Temporary suspensions*—(a) *Suspension by charging letter.* A charging letter may by its terms suspend, from and after the date of its issuance, the respondent's privilege to obtain or use validated export licenses and may revoke and require the return for cancellation of outstanding validated licenses but shall not suspend the respondent's privilege to export under general license. This latter privilege, however, may be suspended as provided in paragraph (b) of this section.

(b) *Temporary suspension orders.* The export license privileges of any person who is under investigation, or against whom administrative or judicial proceedings are pending, for violation of any law or regulation relating to export control, may be suspended summarily, without prior notice or opportunity for hearing, where and to the extent such suspension is found reasonably necessary to protect the public interest pending final disposition of the investigation or proceedings. Such a temporary suspension order shall be issued only for such limited time, ordinarily not exceeding 30 days, as may be required to complete the investigation or the proceedings, but may, on a showing of need for additional time, be extended in the same manner as originally issued.

An application for such a temporary suspension order shall be made by the Director of the Enforcement Staff to the Compliance Commissioner and shall include a brief recital of the facts of the case and a statement of the grounds for the application and the nature of the order sought. The Compliance Commissioner shall review the application and for this purpose may require informal presentation of evidence before him. If he does not approve the application, he shall so notify the Director of the Enforcement Staff by memorandum and no further action shall be taken upon it; but, if he approves it, he shall send his recommendation together with the application and accompanying documents to the Director of the Commodities Division, who may issue such temporary suspension order as he shall deem appropriate. A certified copy of the order shall be sent to the respondent by registered mail.

(c) *Motions to vacate or modify.* The respondent may at any time move to vacate or modify any temporary suspension contained in any charging letter or order. Any such motion shall be filed with the Compliance Commissioner and an oral hearing thereon, if requested, shall be held before the Compliance Commissioner at the earliest possible date. The Compliance Commissioner

shall consider the evidence presented and shall submit his report and recommendations thereon to the Director of the Commodities Division. The latter may issue such order disposing of the motion as he shall deem appropriate and a certified copy thereof shall be promptly communicated to the respondent.

(d) *Deferment of action on license applications otherwise prohibited.* Except for the particular application or license which is itself the basis of any investigation or proceeding, and except pursuant to paragraph (a) of this section, no export license application filed by any person shall be returned without action, held without action, or rejected by reason of the fact that such person is under investigation, or that proceedings against him are pending, otherwise than in accordance with the terms of a temporary suspension order issued under paragraph (b) of this section.

§ 382.12 *Rehearings.* The Compliance Commissioner may upon written request grant a rehearing or reopen a proceeding at any time for the purpose of hearing any relevant and material evidence which was not known or which was unobtainable at the time of the original hearing. The request for rehearing or reopening shall contain a summary of such evidence, the reasons why it is deemed relevant and material, and the reasons why it could not have been presented at the original hearing. The Compliance Commissioner shall give prompt notice of the time and place of any further hearing, if one is held, and shall conduct such hearing and submit his report and recommendations thereon to the Director of the Commodities Division for final action in the same manner as provided for the original proceedings.

§ 382.13 *Appeals*—(a) *Grounds of appeal.* The respondent may appeal from a suspension or denial of license privileges upon the ground (1) that the findings of violation are not supported by any substantial evidence, (2) that prejudicial error of law was committed, or (3) that the provisions of the order are arbitrary, capricious or an abuse of discretion. The appeal must specify upon which of these grounds the appeal is based and must indicate from which provisions of the order the appeal is taken.

(b) *Filing of appeals.* An appeal must be in writing and must be filed with the Appeals Board, Bureau of Foreign and Domestic Commerce, Department of Commerce, Washington 25, D. C. An appeal from a temporary suspension by charging letter or order may not be filed unless the respondent has unsuccessfully moved to vacate or modify such temporary suspension as provided in § 382.11 (b) and, in addition, unless such temporary suspension has remained in effect for at least sixty days. An appeal from a final order denying license privileges must be filed within ten days after receipt of a copy of the order. The provisions of Part 383 of this subchapter shall govern the procedure and disposition of appeals except as otherwise provided in this section.

(c) *Matters considered on appeal.* A hearing before the Appeals Board shall

not constitute a trial de novo but the appeal shall be considered upon the basis of the record consisting of the charging letter, the transcript of the hearing before the Compliance Commissioner including any bills of exceptions thereto, the report of the Compliance Commissioner, the order of the Director of the Commodities Division, and any other relevant documents involved in the proceedings before the Compliance Commissioner. If the respondent has requested and been denied a rehearing or reopening on the basis of new evidence, the Appeals Board may direct that such rehearing or reopening be granted if it finds that such new evidence is relevant and material to the issues and was not known or was not available to the respondent at the time of the original hearing. The Appeals Board shall not consider facts or arguments affecting the merits of the policy embodied in rules or regulations alleged to have been violated.

(d) *Effect of appeal.* The taking of an appeal shall not stay the operation of any order. The decision of the Appeals Board shall be final and shall be promptly transmitted to the respondent and published in the FEDERAL REGISTER.

§ 382.14 *Proceedings confidential.* All proceedings prior to the issuance of an order by the Director of the Commodities Division shall be confidential. Reports of the Compliance Commissioner and copies of transcripts of hearings shall be available only to parties to the proceedings and, to the extent of their own testimony as contained in transcripts, to witnesses therein. Any such matters may, however, be made available to any government agency having a proper interest therein.

This amendment shall become effective June 17, 1949.

Dated: June 10, 1949.

FRANCIS MCINTYRE,
Assistant Director,
Office of International Trade.

[F. R. Doc. 49-4876; Filed, June 16, 1949;
8:54 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

PART 12—SPECIAL CLASSES OF MERCHANDISE

EDITORIAL NOTE: Section 12.30, whaling, has been excluded from the Code of Federal Regulations, 1949 Edition.

TITLE 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

REORGANIZATION OF CHAPTER

EDITORIAL NOTE: In Chapter II of Title 20, Subchapters A and B have been redesignated Subchapters B and C, respectively, and a new Subchapter A has been

designated to cover Part 200, indicated in the following outline:

Subchapter A—Procedures and Forms
Part 200

Subchapter B—Regulations Under the
Railroad Retirement Act
Parts 201-299

Subchapter C—Regulations Under the
Railroad Unemployment Insurance Act
Parts 300-370

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

PART 170—ENFORCEMENT OF THE TEA IMPORTATION ACT

EDITORIAL NOTE: Section 3.1 has been excluded from the Code of Federal Regulations, 1949 Edition.

The heading of Part 170, formerly "Part 170—Enforcement of the Federal Tea Act" has been changed to read "Part 170—Enforcement of the Tea Importation Act."

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

PART 51—PASSPORTS

PART 52—PASSPORTS: VALIDATION AND ISSUANCE IN WARTIME

PART 53—CONTROL OF PERSONS ENTERING AND LEAVING THE UNITED STATES IN WARTIME

PART 111—PROTECTION AND RELIEF OF ARMED SERVICE PERSONNEL

EDITORIAL NOTE: Sections 51.73, 51.135, 51.150 through 51.156, 52.10, and 53.101 through 53.136 have been excluded from the Code of Federal Regulations, 1949 Edition.

Sections 53.41 through 53.62 have been redesignated §§ 53.21 through 53.41, respectively, and §§ 53.21 through 53.31 have been redesignated §§ 53.61 through 53.71, respectively.

The heading of Part 111, formerly "Part 111—Protection and Relief of Military Personnel" has been changed to read "Part 111—Protection and Relief of Armed Service Personnel."

Chapter II—Economic Cooperation Administration

PART 203—COMMERCIAL FREIGHT SHIPMENTS OF SUPPLIES BY VOLUNTARY NON-PROFIT AGENCIES

PART 204—GUARANTIES UNDER THE ECONOMIC COOPERATION ACT OF 1948

EDITORIAL NOTE: Part 203 has been redesignated Part 204—Guaranties under the Economic Cooperation Act of 1948, and §§ 203.1 to 203.3 thereunder have been redesignated §§ 204.1 to 204.3, respectively.

Part 204 has been redesignated Part 203—Commercial Freight Shipments of

Supplies by Voluntary Nonprofit Agencies, and §§ 204.1 to 204.5 thereunder have been redesignated §§ 203.1 to 203.5, respectively.

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

Subchapter C—Mutual Mortgage Insurance

PART 222—MUTUAL MORTGAGE INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

PREMIUMS

Corrected Reprint

Federal Register Document 49-4398, which appeared on page 2915 of the June 3, 1949, issue, should read as follows:

Section 222.3 (b) is amended by striking the period at the end of subparagraph (5) thereof, inserting a semicolon and the word "or", and by inserting a new subparagraph before the last sentence of the paragraph, reading as follows:

(6) Where payment in full is made within sixty days after the date the mortgage is endorsed for insurance, provided the mortgagee submits to the Commissioner a certificate signed by the mortgagor certifying that such payment was made in connection with the sale of the property to a veteran of World War II for his occupancy as a home.

(Sec. 3, 52 Stat. 23, 12 U. S. C. 1715b)

Issued at Washington, D. C., May 27, 1949.

FRANKLIN D. RICHARDS,
Federal Housing Commissioner.

[F. R. Doc. 49-4398; Filed, June 2, 1949; 8:53 a. m.]

PART 232—MULTIFAMILY HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING MULTIFAMILY HOUSING

EDITORIAL NOTE: Sections 232.16 and 232.17 have been consolidated as § 232.16, classification.

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg.,¹ Amdt. 108]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

TENNESSEE

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) is amended in the following respects:

¹ 13 F. R. 5706, 5788, 5877, 5937, 6246, 6283, 6411, 6556, 6881, 6910, 7299, 7671, 7801, 7862, 8217, 8327, 8386; 14 F. R. 17, 93, 143, 271, 337, 456, 627, 632, 695, 856, 918, 979, 1005, 1083, 1345, 1394, 1519, 1570, 1571, 1587, 1666, 1667, 1733, 1760, 1823, 1868, 1932, 2059, 2060, 2084, 2176, 2233, 2412, 2441, 2545, 2607, 2608, 2695, 2746, 2761, 2796, 2897, 3079, 3120, 3152.

1. Schedule A, Item 291, is amended to describe the counties in the Defense-Rental Area as follows:

Carroll, except the Town of Huntingdon; Gibson; and Madison.

This decontrols from §§ 825.1 to 825.12 the Town of Huntingdon in Carroll County, Tennessee, a portion of the Jackson - Milan - Humboldt, Tennessee, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

2. Schedule A, Item 292, is amended to describe the counties in the Defense-Rental Area as follows:

Blount; and Knox, except the City of Knoxville.

Anderson; and Roane, except the portion consisting of the Clinton Engineering Works.

This decontrols from §§ 825.1 to 825.12 the City of Knoxville in Knox County, Tennessee, a portion of the Knoxville, Tennessee, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37, 94, and by Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d). Applies sec. 204, 61 Stat. 197, as amended by 62 Stat. 37, 94, and by Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894)

This amendment shall become effective June 14, 1949.

Issued this 14th day of June 1949.

ED DUPREE,
Acting Housing Expediter.

[F. R. Doc. 49-4878; Filed, June 16, 1949; 8:54 a. m.]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg.,¹ Amdt. 103]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

TENNESSEE

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) is hereby amended in the following respects:

1. Schedule A, Item 291, is amended to describe the counties in the Defense-Rental Area as follows:

Carroll, except the Town of Huntingdon; Gibson; and Madison.

This decontrols from §§ 825.81 to 825.92 the Town of Huntingdon in Carroll County, Tennessee, a portion of the Jackson - Milan - Humboldt, Tennessee, Defense-Rental Area, based on a resolution submitted in accordance with sec-

¹ 13 F. R. 5750, 5789, 5875, 5937, 5938, 6247, 6283, 6411, 6556, 6882, 6911, 7299, 7672, 7801, 7862, 8218, 8328; 14 F. R. 18, 272, 337, 457, 627, 682, 695, 857, 918, 978, 1083, 1345, 1520, 1570, 1582, 1587, 1669, 1670, 1734, 1869, 1932, 2061, 2062, 2085, 2177, 2237, 2413, 2440, 2441, 2545, 2607, 2608, 2695, 2898, 3079, 3121, 3153.

tion 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

2. Schedule A, Item 292, is amended to describe the counties in the Defense-Rental Area as follows:

Blount; and Knox, except the City of Knoxville.

Anderson; and Roane, except the portion consisting of the Clinton Engineering Works.

This decontrols from §§ 825.81 to 825.92 the City of Knoxville in Knox County, Tennessee, a portion of the Knoxville, Tennessee, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37, 94, and by Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d). Applies sec. 204, 61 Stat. 197, as amended by 62 Stat. 37, 94, and by Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894)

This amendment shall become effective June 14, 1949.

Issued this 14th day of June 1949.

ED DUPREE,

Acting Housing Expediter.

[F. R. Doc. 49-4877; Filed, June 16, 1949; 8:54 a. m.]

TITLE 34—NATIONAL MILITARY ESTABLISHMENT

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 536—CLAIMS AGAINST THE UNITED STATES

MILITARY PAYMENT CERTIFICATES

Sections 536.80 through 536.83 are rescinded and the following §§ 536.79 through 536.84 are substituted therefor:

- Sec.
536.79 General.
536.80 Limitations.
536.81 Payment of personnel and dependents in and under the National Military Establishment in certain overseas commands.
536.82 Conversion of military payment certificates into dollar instruments or foreign currency.
536.83 Exchange of military payment certificates outside designated areas.
536.84 Conversion of dollar instruments into military payment certificates.

AUTHORITY: §§ 536.79 to 536.84 issued under sec. 3, 57 Stat. 921; 50 U. S. C. App. 1705-1707.

DERIVATION: SR 35-510-1, May 26, 1949.

§ 536.79 *General*—(a) *Areas*. (1) Military payment certificates will be used for payments to United States authorized personnel and as the official medium of exchange for all transactions within establishments of the Armed Forces of the United States in the following areas:

Austria.	Ryukyu Islands.
Belgium.	Free Territory of
France.	Trieste.
Germany.	Tripoli.
Italy.	Greece.
Japan and outlying	Hungary.
Islands.	Yugoslavia.
United Kingdom.	
Korea (south of 38°	
north latitude).	

No. 116—2

(2) Philippine pesos will be used for payments to authorized personnel in the Philippine Islands.

(b) *Definitions*—(1) *Military payment certificate*. (i) The military payment certificate is defined as an instrument, denominated in United States dollars or fractions thereof which is the official medium of exchange in all Army and Air Force establishments in areas designated by the Secretary of the Army and/or the Secretary of the Air Force.

(ii) Military payment certificates are issued in denominations of 5 cents, 10 cents, 25 cents, 50 cents, \$1, \$5, and \$10.

(2) *United States dollar instruments*. United States dollar instruments are defined as follows:

(i) United States dollar currency and coin are the currency or coin currently in use in the United States.

(ii) United States Treasury checks are the standard dollar checks drawn on the Treasurer of the United States by authorized disbursing officers of the United States.

(iii) Travelers' checks issued by the American Express Company, the Bank of America National Trust and Savings Association, the Mellon National Bank of Pittsburgh, and the National City Bank of New York, when such instruments are expressed in dollars and are countersigned by the original payee in the presence of the disbursing officer, or his agent.

(iv) United States military disbursing officers payment orders.

(v) American Express Company money orders, when expressed in United States dollars, and United States postal money orders.

(3) *United States authorized personnel*. (i) Personnel who come under the provisions of these regulations (hereinafter referred to as United States authorized personnel) and who may utilize military payment certificates and dollar instruments defined herein, subject to limitations prescribed in § 536.81, are:

(a) Military and naval personnel of the United States Government.

(b) Civilians, who are citizens of the United States, employed directly, or indirectly through contractors, by the National Military Establishment.

(c) Civilians, who are citizens of the United States and employed directly by agencies of the United States Government, other than by the National Military Establishment, when authorized by the appropriate overseas commander.

(d) Dependents of personnel included in (a), (b), and (c) of this subdivision but subject to the limitations set forth in § 536.80.

(e) Civilians, other than those who are citizens of the country whose currency is legal tender in the area, directly employed by the National Military Establishment, when authorized by the appropriate overseas commander.

(f) Civilians, other than those who are citizens of the country whose currency is legal tender in the area, who are employed by quasi-official organizations in and/or under the National Military Establishment and working for the benefit of the members of the Armed Forces of the United States, when authorized by the appropriate overseas commander.

Examples are the Army and Air Force Exchange Service and its exchanges; United Service Organizations; American Red Cross Clubs and facilities; unit clubs; enlisted men's and officers' clubs and messes; and the Central Welfare Fund of any given major overseas command.

(g) Personnel attached to the headquarters of any United States military or naval unit, who, in the opinion of the appropriate overseas commander concerned can best perform their mission by having access to National Military Establishment facilities, when specifically authorized by such overseas commander.

(ii) Enemy nationals are specifically excluded from those listed in subdivision (i), (e), (f), and (g) of this subparagraph.

(4) *Overseas commander*. The term "overseas commander," as used in these regulations, is defined as the commanding general of a major overseas command.

(5) *Overseas staff finance officer*. The term "overseas staff finance officer," as used in these regulations includes the chief of a finance division, the fiscal director, or the chief finance officer on the staff of the commanding general of an overseas command.

(c) *Use of military payment certificates*. (1) In such areas as the Secretary of the Army and the Secretary of the Air Force designate, disbursing officers and their agents are authorized to disburse military payment certificates for pay and allowances of authorized personnel, and for all other authorized payments to individuals in and under the National Military Establishment, as set forth herein.

(2) In areas in which military payment certificates are in use, such are the only authorized medium of exchange.

(i) In all Army, Air Force, and Navy sales and services installations and activities.

(ii) In theaters and other entertainment facilities, operated by the National Military Establishment.

(iii) In officers' and enlisted men's messes and clubs, including American Red Cross installations.

(iv) For contributions for all charitable purposes, including all authorized charitable appeals, church collections, and chaplain's funds, whenever ultimate remittance to the United States through National Military Establishment channels is involved.

(v) For payments to all travel agencies, radio, cable, telegraph and telephone companies, and all other facilities of similar types, wherever ultimate remittance to the United States through National Military Establishment channels is involved.

(vi) In Army, Air Force, and Navy postal installations for the purchase of postal money orders and stamps and the cashing of postal money orders.

(vii) In all other official agencies, quasi-official and private agencies of or working in behalf of United States Armed Forces providing goods, services and facilities to members of United States Armed Forces.

(3) No foreign currency or coin except the Philippine peso will be accepted in any of the facilities listed above. Ac-

ceptance of United States currency and coin in such facilities will be limited exclusively to those areas in which individuals in and under the National Military Establishment are paid in United States currency.

(d) *Convertibility of military payment certificates.* Disbursing officers and their agents are authorized to exchange dollar instruments for military payment certificates, or military payment certificates for dollar instruments, for persons authorized to be in possession of military payment certificates, as set forth in this section.

(e) *Transaction between Army and Air Force disbursing officers and disbursing officers of other services.* Army and Air Force disbursing officers and their agents are authorized to exchange dollar instruments for military payment certificates, or military payment certificates for dollar instruments, in transactions with disbursing officers of the United States Navy and their agents; and with such other disbursing officers of the United States Government and their agents as may be authorized specifically by overseas commanders.

§ 536.80 *Limitations.* (a) The military payment certificate is for use only in the National Military Establishment by United States authorized personnel, in accordance with applicable rules and regulations.

(b) Possession and/or use of military payment certificates is prohibited unless acquired pursuant to the regulations contained herein, and such additional regulations as may be promulgated by the overseas commander concerned.

(c) Military payment certificates may be acquired, possessed, and used by authorized United States personnel incident to normal legitimate transactions within the National Military Establishment, not in violation of Articles of War, Department of the Army, Department of the Air Force, and major overseas command directives.

(d) Under no circumstances will authorized personnel or disbursing officers accept military payment certificates from, transfer military payment certificates to, or exchange military payment certificates for persons other than authorized United States personnel, or accept or exchange military payment certificates after the date designated by the Secretary of the Army and the Secretary of the Air Force for their acceptance or exchange.

(e) Military payment certificates will not be transmitted through the mails by individuals for payment of any obligation. Individuals desiring to transmit funds will use any of the methods currently provided for such transmission.

(f) The disbursement of military payment certificates to United States authorized personnel referred to in § 536.79 (b) (3) (i) (e), (f), and (g) is limited to the amount thereof determined by the overseas commander to be necessary for their expenditure in the National Military Establishment.

§ 536.81 *Payment of personnel and dependents in and under the National Military Establishment in certain overseas*

commands—(a) Medium of disbursement. Disbursements specified in paragraph (b) of this section to United States authorized personnel defined in § 536.79 (b) (3) shall be made in military payment certificates.

(b) *Type of disbursements.* Disbursements falling within the purview of this section are:

(1) Regular monthly pay and allowances.

(2) Partial payments.

(3) Per diem and/or reimbursement of expenses incident to official travel.

(4) Station and/or living allowances, where authorized.

(5) Class F allowances, when specifically authorized.

(6) All other authorized payments to individuals in and under the National Military Establishment.

§ 536.82 *Conversion of military payment certificates into dollar instruments or foreign currency.* Under the conditions set forth below, United States authorized personnel may exchange military payment certificates, in amounts legitimately in their possession, for the following dollar instruments or foreign currencies:

(a) *United States dollar currency or coin.* (1) Upon departure for the United States.

(2) Upon departure for or arrival in areas where United States dollar currency has been determined by the Secretary of the Army and the Secretary of the Air Force to be used, consistent with local foreign exchange control regulations.

(b) *United States Treasury checks.* When traveling under competent orders to areas in which disbursing officers and class B agent officers and military attaché disbursing officers are not readily available.

(c) *United States postal money orders.* Issued in accordance with regulations of the United States Post Office Department, by United States Army and Air Force postal officers or their agents.

(d) *United States Savings Bonds.*

(e) *Military payment orders.*

(f) *Authorized foreign currency.* Disbursing officers and their agents will convert military payment certificates and/or authorized United States dollar instruments into authorized foreign currency for the accommodation of United States authorized personnel designated in § 536.79 (b) (3). The rate of exchange to be used will be the rate of exchange at which the local currency was obtained.

§ 536.83 *Exchange of military payment certificates outside designated areas.*

(a) The provisions of § 536.82 will not be construed as authority for disbursing officers and their agents outside of the areas listed in § 536.79 (a) to convert military payment certificates into dollars and/or dollar instruments for United States authorized personnel returning from the countries so listed. Regulations in effect in those areas require that such exchange be made on or before the date the individual departs.

(b) The following is the only exception to paragraph (a) of this section: Military payment certificates presented for

exchange by the effects quartermaster, such certificates having been taken from the effects of an individual whose death occurred on or before the date the series of military payment certificates so presented were withdrawn from circulation, will be exchanged, provided the amounts for exchange are not excessive and there is no evidence that the military payment certificates were illegally acquired. Military payment certificates so exchanged by Army and Air Force disbursing officers in the First, Second, and Third Army will be transferred to the Finance Officer, New York Finance Office, U. S. Army, and those exchanged in the Fourth, Fifth, and Sixth Army will be transferred to the Finance Officer, San Francisco Office, U. S. Army. Such transfers should be effected within 30 days after exchange of the military payment certificates.

§ 536.84 *Conversion of dollar instruments into military payment certificates.* Authorized personnel may exchange the following types of dollar instruments, only if acquired and held in accordance with existing regulations, into military payment certificates:

(a) United States postal and American Express Company money orders.

(b) United States Treasury checks.

(c) United States dollar traveler's checks as specified in § 536.79 (b) (2) (iii).

(d) United States dollar currency and/or coin.

(e) Military payment orders.

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 49-4867; Filed, June 16, 1949;
8:51 a. m.]

Subchapter I—Transport

PART 634—VEHICLES

AUTHORIZED USE OF VEHICLES

Chapter V, Subchapter I of Title 34 is hereby amended by the addition of Part 634, as set forth above, and by adding §§ 634.1 to 634.3, inclusive, as follows:

Sec.

634.1 Use of vehicles.

634.2 Engineer equipment.

634.3 Special uses.

AUTHORITY: §§ 634.1 to 634.3 issued under R. S. 161; 5 U. S. C. 22.

DERIVATION: AR 700-105, June 30, 1948.

§ 634.1 *Use of vehicles.* (a) The commanding officer of an installation or organization will prohibit operation of any vehicle under his command which is not in safe operating condition or where further operation will cause additional damage to the vehicle.

(b) Motor vehicles, except contractor-operated vehicles at contractor-owned facilities and construction projects, will be operated when not in convoy only if properly dispatched on WD Form 48 (Drivers' Trip Ticket and Preventive Maintenance Service Record), issued by the dispatching motor pool or under such instructions as the appropriate commander under existing authority may direct.

(c) Motor vehicles will be used only for official business, including the special uses listed in § 634.3.

(d) Motor vehicles will not be assigned to individuals except to the Secretary of the Army and medical officers on out-patient service.

(e) Government-owned or Government-leased motor vehicles will not be used to transport civilian or military personnel between their places of residence and business except in emergencies or in the following cases:

(1) The Secretary of the Army.

(2) Medical officers on out-patient medical services.

(3) Military and civilian personnel engaged in field work, the character of whose duties makes such transportation necessary. In cases where civilian and military personnel are ordered by competent authority to temporary duty status, such civilian and military personnel shall be considered to be engaged in field work, the character of which necessitates their use of Government motor vehicle transportation between their domiciles and places of temporary duty. The use of such transportation will be restricted in each case to a period not exceeding 30 days. Any periods in excess of 30 days will require the approval of the Secretary of the Army. The use of such transportation will be restricted further to cases where existing Government, commercial, or private facilities do not adequately provide necessary transportation between places of temporary duty and domiciles.

(4) Military or civilian personnel whose transportation to and from their places of employment, in vehicles having a seating capacity of 12 or more passengers, is authorized by Public Law 560, 80th Congress, approved May 28, 1948.

(f) Except in emergencies or in connection with maneuvers or other training activities and as otherwise authorized by Department of the Army directives for Army bus operators, Government vehicles will not be employed within the continental limits of the United States when commercial transportation facilities are available. Local hauling within metropolitan areas and in the immediate vicinity of an installation is excepted.

§ 634.2 *Engineer equipment.* Engineer construction equipment and/or maintenance equipment, and engineer special purpose equipment which has been designed exclusively for off-the-highway service are exempt from such provisions of § 634.1, as are clearly inapplicable to the activities, for which this equipment is used. However, the provisions of § 634.1 normally apply to construction or other special purpose

self-propelled vehicles when operated on roads, streets, or highways.

§ 634.3 *Special uses.* Motor vehicles, when available without detriment to other official business, may be used by special direction of the commanding officer for the following purposes:

(a) Authorized athletics.

(b) Transporting personnel, including entertainers and party guests, and supplies and equipment in connection with authorized, organized, and supervised recreational, welfare, and morale-building activities.

(c) Conveying children at installations to and from schools not conveniently accessible by public transportation.

(d) Transportation of personnel and supplies necessary to the operation of field or mobile exchanges when authorized by the commanding officer, and when commercial transportation is inadequate.

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 49-4866; Filed, June 16, 1949;
8:50 a. m.]

Chapter VII—Department of the Air Force

PART 836—CLAIMS AGAINST THE UNITED STATES

MILITARY PAYMENT CERTIFICATES

CROSS REFERENCE: For amendment of regulations with respect to claims against the United States, see Part 536 of Chapter V, *supra*, which was made applicable to the Department of the Air Force at 13 F. R. 8751.

TITLE 44—PUBLIC PROPERTY AND WORKS

Chapter IV—War Assets Administration

[Reg. 1, Order 15]

PART 401—DESIGNATION OF DISPOSAL AGENCIES AND PROCEDURES FOR REPORTING SURPLUS PROPERTY LOCATED WITHIN THE CONTINENTAL U. S., ITS TERRITORIES AND POSSESSIONS

DISPOSITION OF RECORDS BY DISPOSING AGENCIES

Pursuant to the authority of the Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Public Law 181, 79th Congress (59 Stat. 533; 50 U. S. C. App.

¹ WAA Reg. 1 (13 F. R. 5050).

Sup. 1614 (a), 1614 (b)); and Reorganization Plan 1 of 1947 (12 F. R. 4534), it is hereby ordered, that:

§ 401.58 *Disposition of records by disposal agency.* (a) Each disposal agency shall preserve all records of its inventories of surplus property and the disposal transactions negotiated by it in accordance with the provisions of the act concerning the disposal of records, approved July 7, 1943, as amended July 6, 1945 (57 Stat. 380-383; 59 Stat. 484) and other applicable laws, and in accordance with such regulations as may be prescribed by the Archivist of the United States.

(b) No such records shall be transferred, destroyed, or otherwise disposed of, except pursuant to the provisions of any such laws or regulations of the Archivist. (58 Stat. 765, as amended, 59 Stat. 533; 50 U. S. C. App. 1611, 1614 (a), (b). Reorg. Plan 1 of 1947, 12 F. R. 4534; 3 CFR, 1947 Supp.)

This order shall become effective June 10, 1949.

PAUL L. MATHER,
Administrator.

JUNE 10, 1949.

[F. R. Doc. 49-4865; Filed, June 16, 1949;
9:00 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 108—KODIAK AREA

CLOSED WATERS

Basis and purpose. Because of the Supreme Court's decision dated May 31, 1949, in the case of "Hynes v. Grimes Packing Co. et al." respecting the validity of paragraph (r) of § 208.23 of the Alaska commercial fisheries regulations for 1946, which has been redesignated as paragraph (r) of § 108.24 of the current Alaska commercial fisheries regulations (13 F. R. 8695), the following action is taken, to become effective immediately upon publication in the FEDERAL REGISTER:

Paragraph (r) of § 108.24 of Part 108 is deleted.

(34 Stat. 263, 478, as amended, 43 Stat. 464, as amended; 48 U. S. C., 221-247)

Dated: June 13, 1949.

[SEAL] WILLIAM E. WARNE,
Assistant Secretary of the Interior.

[F. R. Doc. 49-4849; Filed, June 16, 1949;
8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Ch. I]

UNITED STATES SEDIMENT STANDARDS FOR MILK AND MILK PRODUCTS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance, as hereinafter proposed, of sediment standards for milk and milk products pursuant to the authority contained in the Department of Agriculture Appropriation Act, 1949 (Pub. Law 712, 80th Cong., 2d sess., approved June 19, 1948).

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards should file the same in duplicate with the Director, Dairy Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 30th day after publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

1. *United States sediment standards for milk and milk products*—(a) *General.*

(1) The standards contained in this section consist of ten (10) discs, each of which represents one of the following:

- 0 mg. of sediment.
- 0.025 mg. of sediment.
- 0.050 mg. of sediment.
- 0.075 mg. of sediment.
- 0.10 mg. of sediment.
- 0.20 mg. of sediment.
- 0.30 mg. of sediment.
- 0.50 mg. of sediment.
- 1.00 mg. of sediment.
- 2.50 mg. of sediment.

(2) Each such disc was prepared in accordance with the procedure set forth in paragraph 9.04 of the publication "Standard Methods for the Examination of Dairy Products," Ninth Edition, 1948, published by the American Public Health Association, 1790 Broadway, New York, New York. To facilitate the use and availability of these standards, a composite photograph of the ten (10) sediment discs is attached hereto and made a part hereof;¹ and a copy of the photograph may be obtained, upon request, from the Dairy Branch, Production and Marketing Administration, United States Department of Agriculture, Room 2647, South Building, Washington 25, D. C.

(b) *Determination of quantity of sediment in milk and milk products; preparation of sample to be tested.* Any milk or milk product that is to be tested for sediment content on the basis of the standard sediment discs shall be selected and handled, in the preparation of sediment discs, in accordance with the applicable procedure set forth therefor, with respect to milk or the particular milk product, in the following para-

graphs of the aforementioned publication "Standard Methods for the Examination of Dairy Products":

- Paragraph 9.04—Apparatus and materials.
- Paragraph 9.05—Milk, mixed sample.
- Paragraph 9.06—Milk, off-bottom sample.
- Paragraph 9.14—Cheese products.
- Paragraph 9.17—Dried milk.
- Paragraph 9.18—Cream.
- Paragraph 9.20—Evaporated and condensed milk.
- Paragraph 9.22b—Butter.

Done at Washington, D. C., this 13th day of June 1949.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Pro-
duction and Marketing Ad-
ministration.

[F. R. Doc. 49-4888; Filed, June 16, 1949;
9:00 a. m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR, Part 202]

PREVAILING MINIMUM WAGE FOR AIRCRAFT MANUFACTURING INDUSTRY

NOTICE OF HEARING ON PROPOSED AMENDMENT

The Secretary of Labor, in a prevailing minimum wage determination issued pursuant to the provisions of the Walsh-Healey Public Contracts Act (act of June 30, 1936, 49 Stat. 2036; 41 U. S. C. 35-45) and dated December 14, 1938 (41 CFR, 1938 Supp., 202.23), determined that the minimum wage for persons engaged in the performance of contracts with agencies of the United States subject to the act for the manufacture or supply of the products of the aircraft manufacturing industry was 50 cents an hour. This determination was extended October 18, 1941 (41 CFR, 1941 Supp., 202.23) and April 23, 1942 (41 CFR, Cum. Supp., 202.23).

The International Union, United Automobile, Aircraft, Agricultural Implement Workers of America, CIO, has requested that the determination for the aircraft manufacturing industry be reconsidered but has not requested that any specific rate be determined as the prevailing minimum wage.

A wage survey of the industry made by the Bureau of Labor Statistics as of November 1948 shows clearly that the 50-cent rate now in effect no longer reflects the prevailing minimum wages in the industry and it is proposed therefore to hold a hearing for the purpose of consideration by the Secretary of Labor of an amendment to the current determination.

It is proposed, in conjunction with a reconsideration of the prevailing minimum wage for the industry and in the interest of clarity, to redefine the industry as follows:

The Aircraft Manufacturing Industry is that industry which manufactures airplanes and gliders, aircraft-type engines, aircraft propellers, parts and ac-

cessories especially designed for use with or on the above-mentioned products such as fuselage parts, wing assemblies, empennage assemblies, alighting gear parts, aircraft engine parts, propeller parts, helicopter rotor parts, fuel systems, armament equipment, and specialized aircraft servicing equipment including special testing equipment for aircraft, engine, and propeller parts and accessories, and special tools and stand assemblies for the assembly, disassembly, and repair of aircraft and the engines, propellers, parts, and accessories therefor.

Expressly excluded from the scope of the definition are lighter-than-air craft; fabricated textile products, e. g., fabric ground covers, parachutes, safety belts, tow targets, and wind socks; pyrotechnics, e. g., cartridges for engine starters, and flares and signals; electrical and communication equipment, e. g., electrical systems and parts, including ignition and lighting systems, batteries, spark plugs, generators, magnetos, and wire and cable, and communication equipment including radios and electronic devices; rubber products, e. g., rubber deicing equipment, rubber flotation gear, life preservers and life rafts, bonded rubber mountings and vibration dampers, tires and tubes, and rubber sundries such as hose and belting; ground refueling systems; bearings; bolts, nuts, screws, rivets, washers, springs and other hardware and fittings; jacks; piston rings; wire rope; cameras; cabin heaters; fire extinguishers; first aid equipment; gaskets; lavatory equipment; and engine, flight, and navigation instruments and apparatus.

Now, therefore, notice is hereby given: That a public hearing will be held on July 26, 1949 at 10:00 a. m., in Conference Room B, Interdepartmental Auditorium, Constitution Avenue between Twelfth and Fourteenth Streets NW., Washington, D. C., before the Administrator of the Wage and Hour and Public Contracts Divisions or a representative designated to preside in his place, at which hearing all interested persons may appear and submit data, views and argument: (1) As to what is the prevailing minimum wage in the Aircraft Manufacturing Industry; (2) as to whether there should be included in any amended determination for this industry provision for employment of learners or apprentices at subminimum rates, and if so, in what occupations, at what subminimum rates, and with what limitations, if any, as to length of period and the number or proportion of such subminimum rate employees, and (3) as to the propriety of the proposed definition.

Persons intending to appear are requested to notify the Administrator of their intention in advance of the hearing.

Written statements in lieu of personal appearance may be filed by mail at any time prior to the date of the hearing, or may be filed with the presiding officer at the hearing. An original and four copies of any such statement should be filed.

¹ Filed as part of the original document.

Copies of the following tabulations by the Bureau of Labor Statistics will be available to interested persons. Requests for these tabulations should be addressed to the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington, D. C., and should specify the tabulation desired.

Six (6) tables which show as of November 1948, the percentage distribution of plant workers by straight time hourly earnings for various segments of the industry as follows:

Table 1. Aircraft and aircraft parts (entire industry).

Table 2. Airframes, engines and propellers.

Table 3. Aircraft parts.

Table 4. Airframes and parts.

Table 5. Engines and parts.

Table 6. Propellers and parts.

A table entitled "Distribution of aircraft establishments and workers according to percentage of plant workers (excluding learners) earning less than specified amounts per hour, November 1948."

Interested persons are invited to submit data as to changes which have taken place in the wage structure of the industry since the time of the survey.

In the discretion of the presiding officer, a period of not to exceed 30 days from the close of the hearing may be allowed for the filing of comment on the evidence and statements introduced into the record of the hearing. In the event such supplemental statements are received, an original and four copies of each statement should be filed.

Signed at Washington, D. C., this 10th day of June 1949.

F. GRANVILLE GRIMES, Jr.,
Acting Administrator.

[F. R. Doc. 49-4851; Filed, June 16, 1949;
8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Parts 1, 3, 4]

[Docket No. 9340]

EQUIPMENT AND PROGRAM TESTS; EXPERIMENTAL OPERATION OF AM, FM, AND NONCOMMERCIAL EDUCATIONAL FM STATIONS

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Parts 1, 3, and 4 of the Commission's rules and regulations.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend the rules governing equipment and program tests in the broadcast services in order to eliminate unnecessary time limitations on such tests and to bring the rules into conformity with existing Commission practice. It is further proposed to amend the rules governing experimental operation of AM, FM, and noncommercial educational FM stations to provide a uniform period for such operation. The proposed amendments are set forth below.

3. The proposed rules are issued under the authority contained in sections 4 (i) and 303 (f), (n) and (r) of the Communications Act of 1934, as amended.

4. Any interested person who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth, may file

with the Commission on or before July 18, 1949, a written statement or brief setting forth his comments. Persons desiring to support the amendments may also file comments by the same date. The Commission will consider all comments, briefs, and arguments presented before taking final action with respect to the proposed rules.

5. Fifteen copies of each brief or written statement should be filed as required by § 1.764 of the Commission's rules and regulations.

Adopted: June 8, 1949.

Released: June 8, 1949.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

It is proposed to make the following deletions, amendments, and additions to Parts 1, 3, and 4 of the Commission's rules and regulations.

1. Delete the entire wording of § 1.315 and substitute new wording so that the section as amended will read as follows:

§ 1.315 *Application for equipment tests, broadcast and nonbroadcast.* (a) Upon completion of construction of a radio station in accordance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations and applicable engineering standards, a permittee may, without further authority of the Commission, operate the equipment for the purpose of ascertaining that it is in satisfactory operating condition: *Provided*, That the Engineer in Charge of the district in which the station is located and, in the case of all broadcast stations, the Commission are notified two (2) days in advance of the beginning of tests.

(b) The Commission may notify the permittee to conduct no tests or may cancel, suspend, or change the date for the beginning of such tests as and when such action may appear to be in the public interest, convenience and necessity.

(c) Nonbroadcast stations may conduct equipment tests in accordance with the provisions of paragraph (a) of this section for a period not to exceed ten (10) days. Informal application for extension of equipment test authority may be made. In the case of broadcast stations equipment tests may be continued so long as the construction permit shall remain valid. Standard, FM, and noncommercial educational FM broadcast stations shall conduct equipment tests only during the experimental period (1 a. m. to 6 a. m. local standard time) unless otherwise specifically authorized; if a proof of performance of a directional antenna must be made or if for other reasons it is impracticable to conduct equipment tests during the above hours, informal application may be made for authority to conduct equipment tests during other hours.

(d) The authorization for tests embodied in this section shall not be construed as constituting a license to operate but as a necessary part of the construction.

2. Delete the entire wording of § 1.316 and substitute new wording so that the section as amended will read as follows:

§ 1.316 *Application for service or program tests; broadcast and nonbroadcast.*

(a) Upon completion of construction of a radio station in accordance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations and applicable engineering standards, and when an application for station license has been filed showing the station to be in satisfactory operating condition, the permittee of any class of station except a standard, FM, noncommercial educational FM or television broadcast station, may without further authority of the Commission, conduct service or program tests: *Provided*, That the Engineer in Charge of the district in which the station is located and, in the case of all broadcast stations except those enumerated above, the Commission are notified at least two (2) days in advance of the beginning of such operation.

(b) In the case of standard, FM, noncommercial educational FM and television broadcast stations, at least ten (10) days prior to the date on which it is desired to begin program tests, informal application shall be made to the Commission for program test authority and the Engineer in Charge of the district in which the station is located shall be notified. Such tests shall not commence until specific authority is received therefor.

(c) The Commission reserves the right to change the date of the beginning of such tests or to suspend or revoke the authority for program tests as and when such action may appear to be in the public interest, convenience, and necessity.

(d) Service and program tests must be commenced prior to the date of required completion of construction specified in the construction permit or any extension thereof which has been granted.

(e) Nonbroadcast stations may conduct program tests in accordance with the provisions of paragraph (a) of this section for a period not to exceed 30 days. Informal application by such stations for extension of program test authority may be made to the Commission. In the case of all broadcast stations program test authority shall continue valid during Commission consideration of the application for license unless sooner suspended or revoked and during this period further extension of the construction permit is not required. Program test authority shall be automatically terminated by final determination upon the application for station license.

(f) All operation on program test authority shall be in strict compliance with the rules governing the class of station concerned and in strict accordance with representations made in the application for license pursuant to which the tests were authorized.

(g) Neither the authorization for tests embodied in this section nor the grant of an application for program test authority under paragraph (b) of this section shall be construed as approval by the Commission of the application for station license.

3. In § 3.10 delete from the present language of the first sentence the final wording "12:00 midnight and local sun-

rise" and substitute therefor the words "1:00 a. m. and 6:00 a. m., local standard time".

Section 3.10 as amended will read as follows:

§ 3.10 Experimental period. The term "experimental period" means that time between 1:00 a. m. and 6:00 a. m., local standard time. This period may be used for experimental purposes in testing and maintaining apparatus by the licensee of any standard broadcast station on its assigned frequency and with its authorized power, provided no interference is caused to other stations maintaining a regular operating schedule within such period. No station licensed for "daytime" or "specified hours" of operation may broadcast any regular or scheduled program during this period.

4. Delete the entire wording of § 3.167 and substitute new wording so that the section as amended will read as follows:

§ 3.167 Equipment tests. (a) Upon completion of construction of a standard broadcast station in accordance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations and the applicable engineering standards, the permittee may, without further authority of the Commission, operate the equipment for the purpose of ascertaining that it is in satisfactory operating condition: *Provided*, That the Engineer in Charge of the district in which the station is located and the Commission are notified at least two (2) days in advance of the beginning of such operation.

(b) The Commission may notify the permittee to conduct no tests or may cancel, suspend, or change the date for the beginning of such tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Equipment tests may be continued so long as the construction permit shall remain valid and shall be conducted only during the experimental period (1 a. m. to 6 a. m., local standard time) unless otherwise specifically authorized.

(d) Inspection of a station will ordinarily be required during the equipment test period and before the commencement of program tests, and all stations should notify the Engineer in Charge of the district in which they are located as soon as they are ready to undergo inspection.

(e) The authorization for tests embodied in this section shall not be construed as constituting a license to operate but as a necessary part of construction.

5. Delete the present wording of § 3.168 and substitute new wording so that the section as amended will read as follows:

§ 3.168 Program tests. (a) Upon completion of construction of a standard broadcast station in accordance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations and applicable engineering standards and when an application for station license has been filed showing the station

to be in satisfactory operating condition,¹ the permittee may request authority to conduct program tests: *Provided*, That such request shall be filed with the Commission at least ten (10) days prior to the date on which it is desired to begin such operation and that the Engineer in Charge of the district in which the station is located is notified.

(b) Program tests shall not commence until specific Commission authority is received. The Commission reserves the right to change the date of the beginning of such tests or to suspend or revoke the authority for program tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Unless sooner suspended or revoked program test authority continues valid during Commission consideration of the application for license and during this period further extension of the construction permit is not required. Program test authority shall be automatically terminated by final determination upon the application for station license.

(d) All operation on program test authority shall be in strict compliance with the rules governing standard broadcast stations and in strict accordance with representations made in the application for license pursuant to which the tests were authorized.

(e) The granting of program test authority shall not be construed as approval by the Commission of the application for station license.

6. Delete § 3.169.

7. Renumber § 3.170 as § 3.169.

8. Delete the entire wording of § 3.216 and substitute new wording so that § 3.216 as amended will read as follows:

§ 3.216 Equipment tests. (a) Upon completion of construction of an FM broadcast station in accordance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations and applicable engineering standards, the permittee may, without further authority of the Commission, operate the equipment for the purpose of ascertaining that it is in satisfactory operating condition: *Provided*, That the Engineer in Charge of the district in which the station is located and the Commission are notified at least two (2) days in advance of the beginning of such operation.

(b) The Commission may notify the permittee to conduct no tests or may cancel, suspend, or change the date for the beginning of such tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Equipment tests may be continued so long as the construction permit shall remain valid and shall be conducted only during the experimental period (1:00 a. m. to 6:00 a. m., local standard time) unless otherwise specifically authorized.

(d) Inspection of a station will ordinarily be required during the equipment

¹All data necessary to show compliance with the terms and conditions of the construction permit must be filed with the license application. If the station is using a directional antenna, a proof of performance must also be filed as required by § 3.33 (b).

test period and before the commencement of program tests, and all stations should notify the Engineer in Charge of the district in which they are located as soon as they are ready to undergo inspection.

(e) The authorization for tests embodied in this section shall not be construed as constituting a license to operate but as a necessary part of construction.

9. Delete the entire wording of § 3.217 and substitute new wording so that the section as amended will read as follows:

§ 3.217 Program tests. (a) Upon completion of construction of an FM broadcast station in accordance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations and the applicable engineering standards and when an application for station license has been filed showing the station to be in satisfactory operating condition,² the permittee may request authority to conduct program tests: *Provided*, That such request shall be filed with the Commission at least ten (10) days prior to the date on which it is desired to begin such operation and that the Engineer in Charge of the district in which the station is located is notified.

(b) Program tests shall not commence until specific Commission authority is received. The Commission reserves the right to change the date of the beginning of such tests or to suspend or revoke the authority for program tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Unless sooner suspended or revoked program test authority continues valid during Commission consideration of the application for license and during this period further extension of the construction permit is not required. Program test authority shall be automatically terminated by final determination upon the application for station license.

(d) All operation under program test authority shall be in strict compliance with the rules governing FM broadcast stations and in strict accordance with representations made in the application for license pursuant to which the tests were authorized.

(e) The granting of program test authority shall not be construed as approval by the Commission of the application for station license.

10. In § 3.262, delete from the present language of the first sentence the initial wording "The period between 12:00 midnight and 6:00 a. m." and substitute therefor the wording "The period between 1:00 a. m. and 6:00 a. m." Section 3.262 as amended will read as follows:

§ 3.262 Experimental operation. The period between 1:00 a. m. and 6:00 a. m., local standard time, may be used for experimental purposes in testing and maintaining apparatus by the licensee of any FM broadcast station on its assigned frequency and not in excess of its au-

²All data necessary to show compliance with the terms and conditions of the construction permit must be filed with the license application.

thorized power, without specific authorization by the Commission.

11. Add a new section which will be numbered § 3.272 and will read as follows:

§ 3.272 *Field intensity measurements.* The Commission may require field intensity measurements in connection with applications and in other cases where such measurements are found to be necessary. For example, any application which asserts that interference predicted under the Standards of Good Engineering Practice would not be realized may require supplementary data including appropriate field intensity measurements. Furthermore, in order that FM broadcast station coverage data may be accumulated it is desirable that existing FM broadcast stations make such measurements where feasible and file the data with the Commission.

12. Delete the entire wording of § 3.516 and substitute new wording so that the section as amended will read as follows:

§ 3.516 *Equipment tests.* (a) Upon completion of construction of a noncommercial educational FM broadcast station in accordance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations and applicable engineering standards, the permittee may, without further authority of the Commission, operate the equipment for the purpose of ascertaining that it is in satisfactory operating condition: *Provided*, That the Engineer in Charge of the district in which the station is located and the Commission are notified at least two (2) days in advance of the beginning of such operation.

(b) The Commission may notify the permittee to conduct no tests or may cancel, suspend, or change the date for the beginning of such tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Equipment tests may be continued so long as the construction permit shall remain valid and shall be conducted only during the experimental period (1:00 a. m. to 6:00 a. m., local standard time) unless otherwise specifically authorized.

(d) Inspection of a station will ordinarily be required during the equipment test period and before the commencement of program tests, and all stations should notify the Engineer in Charge of the district in which they are located as soon as they are ready to undergo inspection.

(e) The authorization for tests embodied in this section shall not be construed as constituting a license to operate but as a necessary part of construction.

13. Delete the entire wording of § 3.517 and substitute new wording so that the section as amended will read as follows:

§ 3.517 *Program tests.* (a) Upon completion of construction of a noncommercial educational FM broadcast station in accordance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations and applicable engineering standards, and when

an application for station license has been filed showing the station to be in satisfactory operating condition,² the permittee may request authority to conduct program tests: *Provided*, That such request shall be filed with the Commission at least ten (10) days prior to the date on which it is desired to begin such operation and that the Engineer in Charge of the district in which the station is located is notified.

(b) Program tests shall not commence until specific Commission authority is received. The Commission reserves the right to change the date of the beginning of such tests, or to suspend or revoke the authority for program tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Unless sooner suspended or revoked program test authority continues valid during Commission consideration of the application for license and during this period further extension of the construction permit is not required. Program test authority shall be automatically terminated by final determination upon the application for station license.

(d) All operation under program test authority shall be in strict compliance with the rules governing noncommercial educational FM broadcast stations and in strict accordance with representations made in the application for license pursuant to which the tests were authorized.

(e) The granting of program test authority shall not be construed as approval by the Commission of the application for station license.

14. In § 3.562, delete from the present language of the first sentence the initial wording "The period between 12:00 midnight and 6:00 a. m." and substitute therefor the wording "The period between 1:00 a. m. and 6:00 a. m." Section 3.562 as amended will read as follows:

§ 3.562 *Experimental operation.* The period between 1:00 a. m. and 6:00 a. m., local standard time, may be used for experimental purposes in testing and maintaining apparatus by the licensee of any noncommercial educational FM broadcast station on its assigned frequency and not in excess of its authorized power, without specific authorization from the Commission.

15. Delete the entire wording of § 3.616 and substitute new wording so that the section as amended will read as follows:

§ 3.616 *Equipment tests and proof of performance.* (a) Upon completion of construction of a television broadcast station in accordance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations and applicable engineering standards, the permittee may, without further authority of the Commission, operate the equipment for the purpose of ascertaining that it is in satisfactory operating condition: *Provided*, That the Engineer in Charge of the district in which the station is lo-

² All data necessary to show compliance with the terms and conditions of the construction permit must be filed with the license application.

cated and the Commission are notified at least two (2) days in advance of the beginning of such operation.

(b) The Commission may notify the permittee to conduct no tests or may cancel, suspend, or change the date for the beginning of such tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Equipment tests may be continued so long as the construction permit shall remain valid. Within the period prescribed by this section for equipment tests, field intensity measurements in accordance with the methods prescribed in the Standards of Good Engineering Practice Concerning Television Broadcast Stations shall be submitted to the Commission. The Commission may grant extensions of time upon a showing of reasonable need therefor.

(d) Inspection of a station will ordinarily be required during the equipment test period and before the commencement of program tests, and all stations should notify the Engineer in Charge of the district in which they are located as soon as they are ready to undergo inspection.

(e) The authorization for tests embodied in this section shall not be construed as constituting a license to operate but as a necessary part of construction.

16. Delete the entire wording of § 3.617 and substitute new wording so that the section as amended will read as follows:

§ 3.617 *Program tests.* (a) Upon completion of construction of a television broadcast station in accordance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations and applicable engineering standards and when an application for station license has been filed showing the station to be in satisfactory operating condition,² the permittee may request authority to conduct program tests: *Provided*, That such request shall be filed with the Commission at least ten (10) days prior to the date on which it is desired to begin such operation and that the Engineer in Charge of the district in which the station is located is notified.

(b) Program tests shall not commence until specific Commission authority is received. The Commission reserves the right to change the date of the beginning of such tests or to suspend or revoke the authority for program tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Unless sooner suspended or revoked the program test authority continues valid during Commission consideration of the application for license and during this period further extension of the construction permit is not required. Program test authority shall be automatically terminated by final determination upon the application for station license.

(d) All operation under program test authority shall be in strict compliance

² All data necessary to show compliance with the terms and conditions of the construction permit, including proof of performance, must be filed with the license application.

PROPOSED RULE MAKING

with the rules governing television broadcast stations, and in strict accordance with representations made in the application for license pursuant to which the tests were authorized.

(e) The granting of program test authority shall not be construed as approval by the Commission of the application for station license.

17. Delete the entire wording of § 4.16 and substitute new wording so that the section as amended will read as follows:

§ 4.16 *Equipment tests.* (a) Upon completion of construction of a radio station in accordance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations and applicable engineering standards, the permittee of any class of station listed in this part may, without further authority of the Commission, operate the equipment for the purpose of ascertaining that it is in satisfactory operating condition: *Provided*, That the Engineer in Charge of the district in which the station is located and the Commission are notified at least two (2) days in advance of the beginning of such operation.

(b) The Commission may notify the permittee to conduct no tests or may cancel, suspend, or change the date for the beginning of such tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Equipment tests may be continued so long as the construction permit shall remain valid.

(d) The authorization for tests embodied in this section shall not be construed as constituting a license to operate but as a necessary part of the construction.

18. Delete the entire wording of § 4.17 and substitute new wording so that the section as amended will read as follows:

§ 4.17 *Service or program tests.* (a) Upon completion of construction of a radio station in accordance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations and applicable engineering standards, and when an application for station license has been filed showing the station to be in satisfactory operating condition, the permittee of any class of station listed in this part may, without further authority of the Commission, conduct service or program tests: *Provided*, That the Engineer in Charge of the district in which the station is located and the Commission are notified at least two (2) days in advance of the beginning of such operation.

(b) The Commission may notify the permittee to conduct no tests or may cancel, suspend, or change the date for the beginning of such tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Unless sooner suspended or revoked program test authority will continue valid during Commission consideration of the application for license and during this period further extension of the construction permit is not required. Program test authority shall be auto-

matically terminated by final determination upon the application for station license.

(d) The authorization for tests embodied in this section shall not be construed as approval by the Commission of the application for station license.

[F. R. Doc. 49-4874; Filed, June 16, 1949; 9:01 a. m.]

[47 CFR, Part 4]

[Docket No. 8711]

EXPERIMENTAL AND AUXILIARY BROADCAST SERVICES

REMOTE PICKUP BROADCAST STATIONS

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. It is proposed to amend §§ 4.401, 4.402, 4.431, 4.432, 4.436, 4.461, and 4.462 to read as set forth below.

3. On December 30, 1947, the Commission adopted the initial notice of proposed rule making in this docket proposing to amend §§ 4.402, 4.431, 4.436, and 4.461 of the Commission's rules and regulations. Subsequently on March 23, 1949, the Commission adopted an order amending § 4.431 as previously proposed without taking action with respect to the proposed amendments of the other three sections. On May 3, 1949, the Commission announced new frequency allocations to remote pickup broadcast stations in the bands 25-30 Mc. (Docket No. 8965), 152-162 Mc. including the additional frequencies 166.25 and 170.15 Mc. (Docket No. 8972), and 450-460 Mc. (Docket No. 8974). The new allocations necessitate changes in the 152-162 Mc. assignments proposed in the December 30, 1947, amendments and the inclusion of frequencies in the bands 25-30 and 450-460 Mc. Accordingly, the previously proposed amendments have been modified to conform with the new frequency allocations and, in addition, provision has been made upon an interim basis to permit television broadcast stations to utilize remote pickup broadcast stations for the transmission of the aural portion of television pickups pending the development of television pickup equipment capable of transmitting the aural and the visual portions of television programs within the bands of frequencies allocated for television pickup stations (1990-2110; 6875-7125; 12,700-13,200 Mc.). The revised amendments also include revised definitions already adopted in Part 2 of the rules, and prescribe revised frequency tolerance values required by the new frequency allocations.

4. The proposed amendments are issued under the authority granted in sections 303 (b), (c), (f), and (r) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the form set forth, may file with the Commission, on or before July 18, 1949, a written statement or brief setting forth his comments. At the same time persons favoring the amendments as proposed may file statements in sup-

port thereof. The Commission will consider all comments that are received before taking final action in the matter, and if any comments appear to warrant the Commission in holding an oral argument before final action is taken, notice of the time and place of such oral argument will be given interested parties.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: June 8, 1949.

Released: June 9, 1949.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

1. In § 4.401, substitute the following text for the present text:

§ 4.401 *Definitions.* (a) *Remote pickup broadcast mobile station.* A land mobile station, licensed for the transmission of program material from remote points of origination to a broadcasting station for simultaneous or delayed broadcasting and for the transmission of orders pertaining to such programs.

(b) *Remote pickup broadcast base station.* A base station licensed for the transmission of program material from remote points of origination to a broadcasting station for simultaneous or delayed broadcasting and for the transmission of orders pertaining to such programs.

(c) The term "remote pickup broadcast station" as used in this part includes both of the above definitions.

2. In § 4.402, amend as follows:

a. Delete subparagraphs (2) and (3) of paragraph (a) and substitute therefor the following subparagraphs:

(2)

Group D mega- cycles	Group E mega- cycles	Group F mega- cycles	Group G mega- cycles	Group H mega- cycles
26.15 26.25 26.35	26.17 26.27 26.37	26.19 26.29 26.39	26.21 26.31 26.41	26.23 26.33 26.43

(3)

Group I mega- cycles	Group J mega- cycles
26.11 26.45	26.13 26.47

(4)

Group K megacycles		
* 152.87 * 152.93 * 152.99	* 153.05 * 153.11 * 153.17	* 153.23 * 153.29 * 153.35

(5)

Group L megacycles	Group M megacycles
* 166.25	* 170.15

Operation on the frequencies 166.25 Mc and 170.15 Mc is not authorized (i) within the area bounded on the west by the Mississippi River, on the north by the parallel of latitude 37°30' N., and on the east and south by that arc of the circle with center at Springfield, Illinois, and radius equal to the airline distance between Springfield, Illinois, and Montgomery, Alabama, subtended between the foregoing west and north boundaries; (ii) within 150 miles of New York City, and; (iii) outside the continental United States.

(6)

Group N megacycles				
450.05	450.45	450.85	451.25	451.65
450.15	450.55	450.95	451.35	451.75
450.25	450.65	451.05	451.45	451.85
450.35	450.75	451.15	451.55	451.95

b. Substitute the following text for the present text of paragraph (b):

(b) For the purpose of assignment, frequencies allocated to remote pickup broadcast stations are divided into six allocation divisions designated as subparagraphs (1), (2), (3), (4), (5), and (6) of paragraph (a) of this section. Within each allocation division is one or more frequency groups identified by letter designation, i. e., A, B, and C in division (1); D, E, F, G, and H in division (2); I and J in division (3); K in division (4); L and M in division (5); and N in division (6). A license for a remote pickup broadcast station may authorize a frequency or frequencies in one or more allocation divisions depending upon the frequency range of equipment employed. While a licensee may have one or more remote pickup broadcast stations licensed for operation in the same area, such stations will be limited within each allocation division to the assignment of frequencies from a single group.

c. Add a new paragraph (c) as follows:

(c) Remote pickup broadcast stations will not be granted exclusive frequency assignments, and the same frequency or frequencies may be assigned to other licensees in the same area.

d. Present footnote 4 of § 4.402 is amended to read as follows:

*Frequencies below 25 Mc. are subject to change in accordance with action resulting from the proceedings in Docket No. 6651.

e. Add the following additional footnotes to § 4.402:

*Subject to the condition that harmful interference will not be caused to the Industrial Radio Services.

†Subject to the condition that harmful interference will not be caused to government stations present or future in the government band, 162-174 Mc.

3. Section 4.403 is amended to read as follows:

§ 4.403 *Frequency selection to avoid interference.* (a) Where two or more remote pickup broadcast stations are licensed for the same frequency or group of frequencies in the same area and when simultaneous operation is contemplated, the licensees shall endeavor to select frequencies or schedule operation in such

manner as to avoid mutual interference. If a mutual agreement to this effect cannot be reached the Commission shall be notified and it will specify the frequency or frequencies on which each station is to be operated.

(b) The following order of priority of transmissions shall be observed on all frequencies except those listed in § 4.402 (a) (3): (1) The transmission of program material for broadcast, (2) the transmission of orders immediately necessary thereto, and (3) other transmissions permitted under the rules.

4. Section 4.431 is amended to read as follows:

§ 4.431 *Purpose of remote pickup broadcast stations.* (a) The license of a remote pickup broadcast station authorizes the transmission of program material, orders concerning such program material, and related communications necessary to the accomplishment of such transmissions, to an associated broadcast station,¹ to such other stations as are also broadcasting the same program material, or to the network with which the broadcast station is regularly affiliated. A license issued within the provisions of § 4.432 (e) authorizes the additional communications therein provided. Remote pickup broadcast stations may be operated in conjunction with other broadcast stations not aforementioned, provided that the transmissions by the remote pickup broadcast station shall be under the control of the remote pickup broadcast station licensee, and that such operation shall not exceed a total of 10 days in any 30-day period.

(b) No change.

(c) The license of a remote pickup broadcast station authorizes operation on only one of the assigned frequencies at any one time. A licensee may operate two or more remote pickup broadcast stations simultaneously. Remote pickup broadcast stations may be used to transmit orders and related communications from the program control point to the remote pickup point.

(d) No change.

5. Section 4.432 is amended to read as follows:

§ 4.432 *Licensing requirements.* (a) A license for a remote pickup broadcast station will be issued only to the licensee of a broadcast station. Remote pickup broadcast stations will be licensed to television broadcast stations upon an interim basis pending development of equipment capable of transmitting the aural and the visual portions of television programs within the bands of frequencies allocated for television pickup stations. A separate license is required for each remote pickup broadcast station. Each application for construction permit for a new remote pickup broadcast station or for a change in the facilities of an existing station shall be specific with regard to the frequency or frequencies requested.

(b) In case a licensee has two or more broadcast stations of different services

¹The term "associated broadcast station" as used herein means a broadcast station with which the remote pickup station is licensed as an auxiliary facility.

(standard, FM, television, etc.) located in the same city, it shall, in applying for a new remote pickup broadcast station or for renewal of license of an existing station, designate each of the stations with which the remote pickup broadcast station is to be operated.

(c) In case a licensee has two or more broadcast stations located in different cities, it shall, in applying for a new remote pickup station or for renewal of license of an existing station, designate the broadcast station, or stations under the provisions of paragraph (b) of this section, in conjunction with which the remote pickup station is to be operated.

(d) A remote pickup broadcast station may be licensed for portable or mobile operation in accordance with § 4.401 (a), or for operation at a fixed location in accordance with § 4.401 (b). An application for a new remote pickup broadcast station or for modification of license of an existing station requesting portable or mobile operation shall specify the area in which the proposed station is intended to be employed.

(e) Remote pickup broadcast stations will be licensed for the purpose of providing communications between the studio and the transmitter of broadcast stations which utilize an STL broadcast station for program transmission, provided that such operation shall not be conducted on frequencies other than those listed in § 4.402 (a) (3).

6. Section 4.436 is amended to read as follows:

§ 4.436 *Emission authorized.* (a) The license for a remote pick-up broadcast station operating on frequencies below 25 Mc. will normally authorize A3 emission and may in addition authorize A1 and A2 emission where a need therefor is shown. A license for a remote pick-up broadcast station operating on frequencies above 25 Mc. will authorize A3 or F3 emission, depending upon the equipment employed. Stations licensed to employ F3 emission shall limit the frequency swing² so that the bandwidth of emission will conform to the requirements of the channel widths authorized as follows:

(1) For stations operating on the frequencies 26.11 to 26.47 Mc., 20 kilocycles.

(2) For stations operating on the frequencies 152.87 to 153.35, 166.25 and 170.15 Mc., 60 kilocycles.

(3) For stations operating on the frequencies 450.05 to 451.95 Mc., 100 kilocycles.

(b) Any emissions outside the authorized channel shall be limited to such an extent as not to constitute a source of potential interference to other stations and in no event shall such emissions be in excess of minus 40 decibels as compared to the emissions within the authorized channel.

7. Section 4.461 is amended to read as follows:

§ 4.461 *Frequency tolerance.* The licensee of a remote pick-up broadcast

²The term "frequency swing" means the instantaneous departure of the frequency of the emitted wave from the center frequency resulting from modulation.

station shall maintain the operating frequency of its station in accordance with the following: *

Frequency range	Tolerance (percent)	
	Base station	Mobile station
1606 to 2830 kc:		
200 watts or less	0.01	0.02
Over 200 watts	.005	.02
26.11 to 26.47 Mc:		
5 watts or less	.005	.02
Over 5 watts	.005	.005
162.87 to 153.35, 166.25, and 170.15 Mc:		
5 watts or less	.005	.01
Over 5 watts	.005	.005
450.05 to 451.95 Mc: All powers	.01	.01

* The listing of tolerance for power over 200 watts is in accordance with treaty values and shall not be construed as a finding that such power will be authorized.

8. Section 4.462 is amended to read as follows:

§ 4.462 *Frequency monitors and measurements.* The licensee of a remote pickup broadcast station shall provide the necessary means for determining that the frequency of the station is within the allowed tolerance. The date and time of each frequency check, the frequency as measured, and a description or identification of the method employed shall be entered in the station log. Sufficient observations shall be made to insure that the assigned carrier frequency is maintained within the prescribed tolerance. Each frequency for which the remote pickup broadcast station is licensed shall be measured at least once during each calendar year.*

[F. R. Doc. 49-4875; Filed, June 16, 1949; 9:01 a. m.]

price, form of contract, information to be supplied by bidders, etc., may be obtained by prospective bidders from the Director, Naval Petroleum and Oil Shale Reserves, Executive Office of the Secretary, Navy Department, Washington 25, D. C., or the Inspector, Naval Petroleum Reserves in California, Room 402, U. S. Post Office and Court House Building, Los Angeles, California, or the District Supply Officer, Eleventh Naval District, San Diego, California.

Dated: June 10, 1949.

JOHN T. KOEHLER,
Acting Secretary of the Navy.

[F. R. Doc. 49-4852; Filed, June 16, 1949; 8:46 a. m.]

NOTICES

NATIONAL MILITARY ESTABLISHMENT

Navy Department

SALE OF NATURAL GASOLINE

(1) Pursuant to the act of Congress approved June 4, 1920, relating to the conservation, care, custody, protection, and operation of Naval Petroleum and Oil Shale Reserves (41 Stat. 813), as amended by an act of Congress approved June 30, 1938 (52 Stat. 1252), and as further amended by an act of Congress approved June 17, 1944 (58 Stat. 280), the United States of America (hereinafter referred to as "Navy") hereby invites bids for the purchase of such quantities of natural gasoline as may be allocated to and available for sale by Navy, during the period from July 1, 1949, to July 1, 1954, under the provisions of Unit Plan Contract NOd-4219 dated June 19, 1944, as supplemented and amended and relating to Naval Petroleum Reserve Numbered 1 (Elk Hills), Kern County, California.

(2) The public sale will take place in Room 402, U. S. Post Office and Court House Building, Los Angeles, California, at 10:30 a. m. (P. s. t.), June 28, 1949. Sealed bids and statements describing the bidder's qualifications will be received by the Secretary of the Navy, addressed to him at that address until said time. All bids must conform to the terms and conditions of the Invitation for Bids and the above cited acts. The bids and statements will be publicly opened and read aloud at said time and place; any interested party may be present and will be heard with respect to the subject matter. A bidder who has complied with

* Remote pickup broadcast stations now operating in the frequency range 30-40 Mc. and on frequencies above 154 Mc. will, during the period such operation continues pending frequency re-assignment of these stations pursuant to the proceedings in Docket No. 6651, retain the frequency tolerance requirements of their present licenses.

the provisions of the Invitation for Bids may forthwith, after all bids have been read, change the bid price or prices, and such change or changes shall be immediately incorporated in his bid by written amendment thereto signed by the bidder. No change will be permitted, however, which will have the effect of lowering any price bid. After all bidders present have been heard, the bids will be taken under advisement by Navy and an acceptance by the Secretary of the Navy will be made within sixty (60) days thereafter; subject, however, to approval of the contract by the President of the United States. Navy reserves the right in the public interest to reject all bids and order a new public sale.

(3) The natural gasoline offered for sale is all such gasoline available for sale by Navy under said Unit Plan Contract during the said period. The quantities of gasoline, if any, available from time to time are necessarily indefinite and depend upon, among other things, practical considerations in field operations, the rate and continuance of the production of petroleum for Navy's account under the provisions of said Unit Plan Contract, and such quantities as Navy may in its discretion reserve for its use in connection with operations under the said Unit Plan Contract. Deliveries will be effected at the so-called Elk Hills gasoline plant in the North Half of the North East Quarter of Section 3, Township 31 South, Range 24 East, M. D. B. & M., Kern County, California, and/or at any other similar plan operated under the provisions of the Unit Plan Contract.

(4) The Invitation for Bids which contains complete information concerning form of bids, bond requirements, payments, deliveries, volume measurements, quality of gasoline, provisions respecting

* Remote pickup broadcast stations licensed for frequencies that are subject to change in accordance with the proceedings in Docket No. 6651 are required to measure only those frequencies on which they are equipped to operate.

SALE OF RESIDUAL DRY GAS

(1) Pursuant to the act of Congress approved June 4, 1920, relating to the conservation, care, custody, protection, and operation of the Naval Petroleum and Oil Shale Reserves (41 Stat. 813), as amended by an act of Congress approved June 30, 1933 (52 Stat. 1252), and as further amended by an act of Congress approved June 17, 1944 (58 Stat. 280), the United States of America (hereinafter referred to as "Navy") hereby invites bids for the purchase of such quantities of residual dry gas as may be allocated to and available for sale by Navy, during the five-year period commencing at 7:00 a. m., on the tenth day following approval of sale by the President of the United States under the provisions of Unit Plan Contract NOd-4219 dated June 19, 1944, as supplemented and amended and relating to Naval Petroleum Reserve Numbered 1 (Elk Hills), Kern County, California.

(2) The public sale will take place in Room 402, U. S. Post Office and Court House Building, Los Angeles, California, at 10:00 a. m. (P. s. t.), June 28, 1949. Sealed bids and statements describing the bidder's qualifications will be received by the Secretary of the Navy, addressed to him at that address, until said time. All bids must conform to the terms and conditions of the Invitation for Bids and the above-cited acts. The bids and statements will be publicly opened and read aloud at said time and place; any interested parties may be present and will be heard with respect to the subject matter. A bidder who has complied with the provisions of the Invitation for Bids may forthwith, after all bids have been read, change the bid price or prices, and such change or changes shall be immediately incorporated in his bid by written amendment thereto signed by the bidder. No change will be permitted, however, which will have the effect of lowering any price bid. After all bidders present have been heard, the bids will be taken under advisement by Navy and an acceptance by the Secretary of the Navy will be made within sixty (60) days thereafter; subject, however, to approval of the contract by the President of the United States. Navy reserves the right in the public interest to reject all bids and order a new public sale.

(3) The residual dry gas offered for sale is all such gas available for sale by Navy under said Unit Plan Contract during said five-year period. By "residual dry gas" is meant gas, produced from oil wells, from which gas natural gasoline vapors have been removed. The quantities of gas, if any, available from time to time are necessarily indefinite and depend upon, among other things, practical considerations in field operations, the rate and continuance of the production of petroleum for Navy's account under the provisions of said Unit Plan Contract, and such quantities as Navy may in its discretion reserve for its use in connection with operations under the said Unit Plan Contract. Deliveries of residual dry gas must be taken by purchaser at the outlet of the so-called Elk Hills gasoline extraction plant where such gas is processed. Such Elk Hills gasoline extraction plant is located in the north half of the northeast quarter of Section 3, Township 31 South, Range 24 East, M. D. B. & M., Kern County, California. The successful bidder shall not be bound to purchase and take (but may if he so desires) more than five million (5,000,000) cubic feet of such gas during any calendar day of twenty-four (24) hours, nor more than one hundred fifty million (150,000,000) cubic feet of said gas during any one calendar month. Navy reserves the right to reduce or stop production of such gas under certain conditions described in the Invitation for Bids.

(4) The Invitation for Bids which contains complete information concerning form of bids, bond requirements, payments, deliveries, volume measurements, quality of gas, provisions respecting price, form of contract, information to be supplied by bidders, etc., may be obtained by prospective bidders from the Director, Naval Petroleum and Oil Shale Reserves, Executive Office of the Secretary, Navy Department, Washington 25, D. C., or the Inspector, Naval Petroleum Reserves in California, Room 402, U. S. Post Office and Court House Building, Los Angeles, California, or the District Supply Officer, Eleventh Naval District, San Diego, California.

Dated: June 10, 1949.

JOHN T. KOEHLER,
Acting Secretary of the Navy.

[F. R. Doc. 49-4853; Filed, June 16, 1949;
8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Geological Survey

GILA RIVER, ARIZONA

POWER SITE CLASSIFICATION NO. 402

Pursuant to authority vested in me by the act of March 3, 1879 (20 Stat. 394; 43 U. S. C. 31), and by Departmental Order No. 2333 of June 10, 1947 (43 CFR 4.623; 12 F. R. 4025), the following described land is hereby classified as power sites insofar as title thereto remains in the United States and subject to valid existing rights; and this classification shall have full force and effect under the provisions of section 24 of the act

of June 10, 1920, as amended by sec. 211 of the act of August 26, 1935 (16 U. S. C. 818);

GILA AND SALT RIVER MERIDIAN, ARIZONA

- T. 5 S., R. 4 W.,
Sec. 5, lot 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and S $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 7, lot 2, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$.
T. 4 S., R. 5 W., Every smallest legal subdivision adjacent to Gila River, any part of which when surveyed will be under an altitude of 650 feet. Protraction of existing surveys indicate that the lands when surveyed will be in secs. 30, 31 and 32.
T. 4 S., R. 6 W.,
Uns. sec. 15, S $\frac{1}{2}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Uns. sec. 17, SW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$;
Uns. sec. 18, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
Uns. sec. 19;
Uns. sec. 20;
Uns. sec. 21, W $\frac{1}{2}$, and SE $\frac{1}{4}$;
Uns. sec. 22;
Uns. sec. 23, NW $\frac{1}{4}$ SW $\frac{1}{4}$, and S $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 24, S $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 25, S $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, and SE $\frac{1}{4}$;
Sec. 26, N $\frac{1}{2}$, and N $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 27, NE $\frac{1}{4}$, and NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 30, lots 1, and 4, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 31, lots 1, 2, 5, 6, 7, 8, 9, 10, and 11, E $\frac{1}{2}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 32, lots 1, 2, 3, 4, 5, 6, 7, and 8, SW $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 33, lots 1, 2, 3, 4, and 9, NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ N $\frac{1}{2}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, and SE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 34, lots 1, 2, 3, 4, 5, 7, 8, and 9, NE $\frac{1}{4}$ NE $\frac{1}{4}$, and SE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 35, lots 1, 2, 3, 5, 6, 7, 8, 9, and 10, NW $\frac{1}{4}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 36, lot 1, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 5 S., R. 6 W.,
Sec. 1, lots 1, 2, 3, and 4, S $\frac{1}{2}$ N $\frac{1}{2}$;
Sec. 4, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 9, NW $\frac{1}{4}$ NE $\frac{1}{4}$.
T. 4 S., R. 7 W.,
Sec. 13, S $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 14, W $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 15, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 16, W $\frac{1}{2}$ SW $\frac{1}{4}$;
Secs. 17 to 20, inclusive;
Sec. 21, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and S $\frac{1}{2}$;
Sec. 22, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, and S $\frac{1}{2}$;
Sec. 23, N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 24, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, and SE $\frac{1}{4}$;
Sec. 25;
Sec. 26, E $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, and S $\frac{1}{2}$;
Sec. 27, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, and SE $\frac{1}{4}$;
Sec. 28;
Sec. 29, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
Sec. 30, E $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 32, NE $\frac{1}{4}$, and NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 33, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 35, N $\frac{1}{2}$ N $\frac{1}{2}$.

The lands described aggregate 17,657 acres.

THOMAS B. NOLAN,
Acting Director.

JUNE 6, 1949.

[F. R. Doc. 49-4850; Filed, June 16, 1949;
8:46 a. m.]

Office of the Secretary

[Order 2522]

NEW MEXICO

CONSOLIDATION OF DISTRICT LAND OFFICES

By virtue of the authority vested in me by section 1 of the act of August 5,

1892 (27 Stat. 368, 43 U. S. C. 124), and upon recommendation of the Director, Bureau of Land Management, it is hereby ordered that, effective at the close of business on July 1, 1949, the district land office at Las Cruces, New Mexico, shall be discontinued, and the business and necessary archives of that office shall be transferred to, and consolidated with, the district land office at Santa Fe, New Mexico.

J. A. KRUG,
Secretary of the Interior.

JUNE 10, 1949.

[F. R. Doc. 49-4848; Filed, June 16, 1949;
8:46 a. m.]

[Order 2523]

COLORADO

CONSOLIDATION OF DISTRICT LAND OFFICES

By virtue of the authority vested in me by section 1 of the act of August 5, 1892 (27 Stat. 368, 43 U. S. C. 124), and upon recommendation of the Director, Bureau of Land Management, it is hereby ordered that, effective at the close of business on June 17, 1949, the district land office at Pueblo, Colorado, shall be discontinued, and the business and necessary archives of that office shall be transferred to, and consolidated with, the district land office at Denver, Colorado.

[SEAL] J. A. KRUG,
Secretary of the Interior.

JUNE 14, 1949.

[F. R. Doc. 49-4898; Filed, June 16, 1949;
8:56 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8736, 8975, 9175]

TELEVISION AND FREQUENCY MODULATION BROADCASTING SERVICES

NOTICE OF ISSUANCE OF REPORT OF AD HOC COMMITTEE

In the matter of amendment of § 3.606 of the Commission's rules and regulations Dockets Nos. 8736, 8975; and amendment of the Commission's rules, regulations and standards concerning the television and frequency modulation broadcasting services; Docket No. 9175.

1. At an engineering conference in the above entitled proceeding, held on November 30, and December 1, 2, and 3, 1948, the chairman of said conference appointed an ad hoc committee for the purpose of studying and evaluating radio propagation effects in the frequency range between 50 and 250 megacycles.

2. Notice is hereby given of the issuance of the following report by the ad hoc committee and reference documents relating thereto:

Report of the Committee, Volume I

Reference D—TID Report 2.4.6, "Summary of Tropospheric Propagation Measurements and Development of VHF Propagation Charts (Revised)."

Reference F—TID Report 4.2.2, "The Normal Distribution as Applied to VHF Broadcast Service Problems."

Reference G—TID Report 4.3.6, "Application of Tropospheric Propagation Charts to Preparation of Iso-Service Contours."
Reference H—Report, "Deterioration of Service with Increasing Distances."

3. Volume I of the report consists of the report and recommendations of the committee with regard to the evaluation of the propagation effects undertaken for study:

A. Prediction of service field intensities: This includes the effects of fine and gross terrain features upon the median signal levels and a realistic appraisal of of the apparent antenna height of the transmitter.

B. Evaluation of the random variations in field intensity from median levels due to local terrain and buildings.

C. Tropospheric propagation curves: The determination of methods for the evaluation and treatment of available data and of the methods and basis for extension of the data to other frequencies and antenna heights.

D. Method of combining the effects of the spatial and time variations of the desired signal and one or more interfering signals.

Included in Volume I as attachments A and B, are the membership lists and statements of committee members relative to their endorsement of the report.

4. References D, F, G, and H are to form a part of Volume II of the committee report, which is expected to consist of references C through H, inclusive. Reference C, "Ground Wave Propagation Over Irregular Terrain at Frequencies Above 50 Mc.", and Reference E, "A Study of Methods for the Efficient Allocation of Radio Frequencies to Broadcasting Services Operating in the Range Above 50 Mc.", are being prepared for the committee by personnel of the National Bureau of Standards. These reports are not yet available for general distribution, but will be issued as soon as practicable. However, copies of the draft reports which were made available to the committee for study, are on file in the dockets of the above entitled proceedings for public inspection.

5. Copies of the report and of the references are being forwarded to JTAC for its use and for study by the Wave Propagation Committee of the Institute of Radio Engineers. Copies are also being sent to each of the persons who signed the attendance list at the engineering conference. Others may obtain copies by addressing a request therefor to the Office of Information, Federal Communications Commission, Washington 25, D. C.

6. Comments concerning the report and references should be filed with the Commission on or before July 1, 1949. It is requested that 15 copies of all comments filed be furnished to the Commission. The above report and references, as well as all comments filed with respect thereto, will be considered by the Commission in its preparation of the second supplemental notice of proposed rule making described by the Commission in its public notice dated May 26, 1949. (FCC 49-693)

7. The Commission does not plan to call for further sessions of the engineering conference unless specific petitions

therefor are filed by interested parties, and the Commission decides that such further sessions are warranted.

Adopted: June 7, 1949.

Released: June 8, 1949.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-4873; Filed, June 16, 1949;
8:52 a. m.]

[Docket No. 8910]

MOSBY'S, INC. (KANA)

ORDER AMENDING ISSUE

In re application of Mosby's, Incorporated (KANA), Anaconda, Montana, Docket No. 8910, File No. BP-6116, for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 8th day of June 1949;

The Commission having under consideration a petition filed March 30, 1949, by Mosby's, Incorporated, requesting reconsideration and grant without hearing of its above-entitled application for a construction permit to change the facilities of Station KANA, Anaconda, Montana, from frequency 1230 kilocycles, 250 watts power, unlimited time to frequency 930 kilocycles, $2\frac{1}{2}$ kw.-5 kw. power, unlimited time and to install directional antenna for day and night use, install new transmitter and to change transmitter and studio locations;

It appearing, that the above-entitled application was designated for hearing April 14, 1948, to determine, among other things, whether authorization for operation with $2\frac{1}{2}$ kilowatts power at night, would be in compliance with the allocation plan contemplated by the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations; and

It further appearing, that on the basis of the information contained in the above-entitled application and in the said petition, the Commission is unable to make a determination of the matters in issue and accordingly cannot determine whether a grant of the said application would be in the public interest; and

It further appearing, that on the basis of the information contained in the above-entitled application and in the said petition, the Commission is unable to determine the type and character of program service proposed to be rendered and whether it would be designed to serve the city of Anaconda, Montana, and its surrounding area;

It is ordered, That, the said petition of Mosby's, Incorporated, is denied; and

It is further ordered, That, on the Commission's own motion, the order of April 14, 1948, designating the application of Mosby's, Incorporated, for hearing is amended to include as issue 5 "To determine the type and character of program service proposed to be rendered and whether it will meet the requirements of the populations and areas of

the city of Anaconda, Montana, and vicinity.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-4870; Filed, June 16, 1949;
8:52 a. m.]

[Docket Nos. 9196, 9197, 9342]

SUN PUBLISHING CO., INC. (WTJS) ET AL,

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of The Sun Publishing Company, Inc. (WTJS), Jackson, Tennessee, Docket No. 9342; File No. BP-7016; Lemoyne College, Memphis, Tennessee, Docket No. 9196, File No. BP-6565; Aaron B. Robinson tr/as Ripley Broadcasting Company, Ripley, Tennessee, Docket No. 9197, File No. BP-6959; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 8th day of June 1949;

The Commission having under consideration the above entitled application of The Sun Publishing Company, Incorporated, requesting a permit to increase daytime power of Station WTJS, Jackson, Tennessee, from 1 kilowatt to 5 kilowatts employing a directional antenna day and night and to install a new transmitter; and

It appearing, that the Commission on December 22, 1948, designated for hearing in a consolidated proceeding the above-entitled applications of Lemoyne College and Aaron B. Robinson tr/as Ripley Broadcasting Company and made The Sun Publishing Company, Incorporated, and Sikeston Community Broadcasting Company parties to the proceeding;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of The Sun Publishing Company, Incorporated, is designated for hearing in the above consolidated proceeding to be held June 28, 1949, at Jackson, Tennessee, June 29, 1949, at Memphis, Tennessee, and July 1, 1949, at Ripley, Tennessee, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate Station WTJS as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WTJS as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Station WTJS as proposed would involve objectionable interference with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected there-

by, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of Station WTJS as proposed would involve objectionable interference with the other applications in this proceeding or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof the areas and populations affected thereby, and the availability of other broadcast service of such areas and populations.

6. To determine whether the installation and operation of Station WTJS as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the Commission's order of December 22, 1948, designating the above-entitled applications of Lemoyne College and Aaron B. Robinson tr/as Ripley Broadcasting Company for hearing in a consolidated proceeding is amended to include the above-entitled application of The Sun Publishing Company, Incorporated.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-4872; Filed, June 16, 1949;
8:52 a. m.]

[Docket No. 9289]

CLASS B FM BROADCAST STATIONS
ORDER AMENDING REVISED TENTATIVE
ALLOCATION PLAN

In the matters of amendment of revised tentative allocation plan for Class B FM Broadcast Stations to add Channel No. 254 to Albertville, Alabama; Amendment of revised tentative allocation plan for Class B FM Broadcast Stations to change channel allocations for Muscle Shoals, Alabama and Albertville, Alabama. Docket No. 9289.

At a session of the Federal Communications Commission, held at its office in Washington, D. C., on the 8th day of June 1949;

The Commission, having under consideration to the proceedings in the above-entitled Docket No. 9289 to add Channel No. 254 to Albertville, Alabama; and an amendment to a pending application, described more fully below, filed on May 5, 1949, by Pat Murphy Courington requesting the use of Channel 286 at Albertville, Alabama, in lieu of Channel 254 theretofore requested; and having also under consideration, in lieu of the above-described proceedings in Docket No. 9289, an amendment of its Revised Tentative Allocation Plan for Class B FM Broadcast Stations so as to provide for changes in the allocation of channels to Muscle Shoals, Alabama, and Albertville, Alabama, as follows:

Area	Channels	
	Delete	Add
Muscle Shoals, Ala.....	287	262
Albertville, Ala.....	—	286

It appearing, that there is pending before the Commission an application by Pat Murphy Courington for construction permit for a new Class B FM station at Albertville, Alabama (File No. BPH-1507); that said application was amended on May 5, 1949, to request the use of Channel 286 (105.1 Mc.) in lieu of Channel 254 (98.7 Mc.) theretofore requested by applicant; and that the Commission proposes to grant said application in a subsequent action; and

It further appearing, that the aforementioned amendment requesting the use of Channel 286 at Albertville, Alabama, has rendered moot the above-described proceedings in Docket No. 9289 to add Channel 254 to Albertville; and that the comments regarding Docket No. 9289, filed on May 16, 1949, by The Constitution Publishing Company, permittee of WCON-FM, Atlanta, Georgia, regarding the use of Channel 254 at Albertville have also become moot and will be withdrawn by WCON-FM; and

It further appearing, that the above-described proposed amendment to the Allocation Plan, in lieu of the proceedings in Docket No. 9289, is desirable in order to permit a more equitable distribution and a more effective utilization of FM facilities; and

It further appearing, that no Class B FM channel has been allocated to Albertville, Alabama; that channel 262 which is presently unallocated in this area, can be allocated to Muscle Shoals, Alabama to replace the proposed deletion of Channel 287, which latter action will permit the more effective use of Channel 286 at Albertville, Alabama; that the adoption of the proposed amendment will increase the number of channels allocated to Albertville, Alabama, will not reduce the number of channels presently allocated to any other area, and will not require a change in the channel assignment of any existing FM station or authorization; that there are no other applications pending for Class-B FM facilities at Albertville, Alabama; that the operation of Class-B FM stations on Channel 26 at Muscle Shoals, Alabama, and on Channel 286 at Albertville, Alabama, will not cause interference to any station existing, proposed, or contemplated by the FM Allocation Plan; that, in addition to Channel 286, there is at least one other channel which is presently unallocated in this area and which could be allocated to Albertville, Alabama; and that no existing requirements of the Commission will be affected by said amendment; and

It further appearing, that the nature of the proposed amendment is such as to render unnecessary the public notice and procedure set forth in section 4 (a) of the Administrative Procedure Act; and that for the same reasons this order may be made effective immediately in lieu of the requirements of section 4 (c) of said act; and

It further appearing, that authority for the adoption of said amendment is contained in sections 303 (c), (d), (f) and (r) and 307 (b) of the Communications Act of 1934, as amended;

It is ordered, That, the proceedings in the above-entitled Docket No. 9289 are dismissed; and

It is further ordered, That, effective immediately, the Revised Tentative Allocation Plan for Class-B FM Broadcast Stations is amended, so that the allocations to Muscle Shoals, Alabama and Albertville, Alabama are changed as follows:

Area	Channels	
	Delete	Add
Muscle Shoals, Ala.....	287	262
Albertville, Ala.....	—	286

Released: June 9, 1949.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-4869; Filed, June 16, 1949;
8:52 a. m.]

[Docket No. 9341]

TAMPA BROADCASTING CO. (WALT)

ORDER DESIGNATING APPLICATION FOR
HEARING ON STATED ISSUES

In re application of W. Walter Tison tr/as Tampa Broadcasting Company (WALT) Tampa, Florida, Docket No. 9341, File No. BP-6537; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 8th day of June 1949;

The Commission having under consideration the above-entitled application for a construction permit to change the facilities of Station WALT, Tampa, Florida, from frequency 1110 kilocycles, 1 kilowatt power, daytime only to frequency 920 kilocycles, 1 kilowatt power, unlimited time, to install a new transmitter, to change transmitter location, and to install directional antenna for day and night use;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WALT as proposed, and the character of other broadcast service available to those areas and populations.

2. To determine whether the operation of Station WALT as proposed would involve objectionable interference with any other existing United States broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the operation of Station WALT as proposed would involve objectionable interference as defined in the North American Regional Broadcasting Agreement with Stations CMJL, Camaguey, Cuba; CMAQ, Pinar Del Rio, Cuba; XEBH, Hermosillo, Mexico; XEBM, San Luis Potosi, Mexico, or any other foreign broadcast stations and, if so, the nature and extent thereof.

4. To determine whether the operation of Station WALT as proposed would

involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the installation and operation of Station WALT as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to the areas and populations to receive satisfactory service.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-4871; Filed, June 16, 1949;
8:52 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3796]

SOUTHERN AIRWAYS, INC.

NOTICE OF HEARING

In the matter of the petition of Southern Airways, Inc., for an order fixing and determining the fair and reasonable rates of compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith over its route No. 98.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled matter is assigned to be held on June 20, 1949, at 2:00 p. m. e. d. s. t. in Room 2065 Temporary Building No. 4, Seventeenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredricks.

Dated at Washington, D. C., June 14, 1949.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 49-4890; Filed, June 16, 1949;
8:56 a. m.]

[Docket No. 2215 et al.]

FLORIDA TRUNKLINE SERVICE CASE; TEMPORARY OCALA-GAINESVILLE SERVICE

NOTICE OF ORAL ARGUMENT

In the matter of the amendment of certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended, authorizing the temporary establishment of air transportation service of persons, property and mail to Ocala and Gainesville, Florida.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that oral argument in the above-entitled matter is assigned to be held on June 30, 1949, at 10:00 a. m.,

e. d. s. t., in Room 5042, Commerce Building, Fourteenth and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., June 14, 1949.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 49-4891; Filed, June 16, 1949;
8:56 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1174]

COUNTY GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JUNE 14, 1949.

Notice is hereby given that, on June 9, 1949, the Federal Power Commission issued its findings and order entered June 9, 1949, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-4859; Filed, June 16, 1949;
8:49 a. m.]

[Docket No. G-1180]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

NOTICE OF AMENDED APPLICATION

JUNE 13, 1949.

Notice is hereby given that on May 31, 1949, an amended application was filed with the Federal Power Commission by Kansas-Nebraska Natural Gas Company, Inc. (Applicant), a Kansas corporation with its principal place of business at Phillipsburg, Kansas, amending its application filed March 16, 1949, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate certain natural gas facilities. Notice of the filing of said original application was published in the FEDERAL REGISTER on April 2, 1949 (14 F. R. 1556).

In its amended application, Applicant seeks authorization to construct and operate substantially the same natural-gas facilities as those described in its original application, subject to the following modifications:

(1) Construction and operation of approximately 8½ miles instead of 12½ miles of 12¾-inch pipe line as a continuation of a loop line paralleling an existing 12¾-inch pipe line extending from a southwest to northeasterly direction near Wakeeney, Kansas, described in Item (3) of the Notice of Application.

(2) Construction and operation of approximately 10 miles instead of 14 miles of 12¾-inch pipe line extending northward from the Kansas-Nebraska State line to Holdrege, Nebraska, said 14 miles of 12¾-inch pipe line being described in Item (6) of the Notice of Application.

(3) Authorization to construct and operate one 125-H. P. gas engine driven compressor unit with appurtenances at Applicant's existing Cozad Compressor Station in Nebraska, described in Item (10) of the Notice of Application, is not requested in the amended application filed by Applicant.

In addition to the facilities described in its original application, Applicant seeks authorization by its amended application to construct and operate the following described natural-gas transmission facilities:

Approximately 10 miles of 6½-inch pipe line extending due east from Red Cloud, Nebraska, to a point about one and one-half miles north of Guide Rock, Nebraska, and 1½ miles of 2½-inch pipe line extending to Guide Rock, together with a town border station at Guide Rock for the sale of natural gas to and for distribution by Nebraska Natural Gas Company in the town of Guide Rock.

Any interested State commission is requested to notify the Federal Power Commission whether the application, as amended, should be considered under the cooperative provisions of § 1.37 of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The amended application of Kansas-Nebraska Natural Gas Company, Inc., is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the amended application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of §§ 1.8 or 1.10, whichever is applicable, of the Commission's rules of practice and procedure (as amended on June 16, 1947).

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-4868; Filed, June 16, 1949;
8:51 a. m.]

[Docket No. G-1182]

HOME GAS CO. AND EASTERN PIPE LINE CO.

NOTICE OF AMENDATORY ORDER

JUNE 14, 1949.

Notice is hereby given that, on June 9, 1949, the Federal Power Commission issued its order entered June 8, 1949, amending order entered on May 25, 1949 (published in the FEDERAL REGISTER on June 7, 1949 (Vol. 14, No. 108, P. 3067)) issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-4860; Filed, June 16, 1949;
8:50 a. m.]

[Docket No. G-1187]

LOUISIANA NEVADA TRANSIT CO.

NOTICE OF FINDINGS AND ORDER ISSUING A
CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY

JUNE 14, 1949.

Notice is hereby given that, on June 9, 1949, the Federal Power Commission issued its findings and order entered June 8, 1949, issuing a certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.[F. R. Doc. 49-4861; Filed, June 16, 1949;
8:50 a. m.]

[Docket Nos. IT-6015, IT-6022]

PUGET SOUND POWER & LIGHT CO.

NOTICE OF ORDER SUPPLEMENTING ORDER AP-
PROVING CONNECTIONS FOR EMERGENCY
USE ONLY

JUNE 14, 1949.

Notice is hereby given that, on June 9, 1949, the Federal Power Commission issued its order entered June 8, 1949, supplementing order dated January 14, 1947 (published in the FEDERAL REGISTER on January 22, 1947 (Vol. 12, No. 15, P. 454)) approving connection for emergency use only in the above-designated matters.

[SEAL] LEON M. FUQUAY,
Secretary.[F. R. Doc. 49-4862; Filed, June 16, 1949;
8:50 a. m.]

[Projects Nos. 339, 1304]

PUGET SOUND POWER & LIGHT CO.

NOTICE OF ORDER ACCEPTING SURRENDER OF
LICENSES AND DISMISSING, IN PART, APPLI-
CATION FOR APPROVAL OF TRANSFER OF
LICENSES (TRANSMISSION LINE)

JUNE 14, 1949.

Notice is hereby given that, on June 10, 1949, the Federal Power Commission issued its order entered June 8, 1949, accepting surrender of licenses in the above-designated matters, and dismissing, in part, application for approval of transfer of licenses (transmission line).

[SEAL] LEON M. FUQUAY,
Secretary.[F. R. Doc. 49-4863; Filed, June 16, 1949;
8:50 a. m.]

[Project No. 1215]

CITY OF SEATTLE, WASHINGTON

NOTICE OF ORDER ACCEPTING SURRENDER OF
LICENSE (TRANSMISSION LINE)

JUNE 14, 1949.

Notice is hereby given that, on June 10, 1949, the Federal Power Commission issued its order entered June 8, 1949, accepting surrender of license (transmis-

sion line) in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.[F. R. Doc. 49-4864; Filed, June 16, 1949;
8:50 a. m.]SECURITIES AND EXCHANGE
COMMISSION

[File No. 70-2100]

KANSAS POWER AND LIGHT CO. AND KANSAS
ELECTRIC POWER CO.ORDER PERMITTING WITHDRAWAL OF
DECLARATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 9th day of June 1949.

The Kansas Power and Light Company ("Kansas Power") and its subsidiary, The Kansas Electric Power Company ("Kansas Electric"), both being subsidiaries of North American Light & Power Company, a registered holding company, having filed a joint declaration pursuant to the Public Utility Holding Company Act of 1935 proposing to amend their respective Articles of Incorporation with respect to voting and other rights of the holders of their presently outstanding Preferred and Common Stocks; and

The Commission on April 8, 1949, having issued a Notice of Filing pursuant to Rule U-23 (Holding Company Act Release No. 8984) regarding such declaration; and

Declarants having filed with the Commission on May 23, 1949, a joint application-declaration (File No. 70-2153) proposing that Kansas Electric merge into Kansas Power and setting forth in the articles of merger the same provisions heretofore proposed in File No. 70-2100 as amendments to their respective Articles of Incorporation; and

Declarants having on May 31, 1949, filed an application to withdraw the said joint declaration (File No. 70-2100); and

The Commission deeming it appropriate to grant said application to withdraw:

It is ordered, That the joint declaration (File No. 70-2100) of Kansas Power and Kansas Electric be, and the same hereby is, permitted to be withdrawn.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.[F. R. Doc. 49-4857; Filed, June 16, 1949;
8:49 a. m.]

[File No. 70-2148]

REPUBLIC SERVICE CORP. AND ABINGTON
ELECTRIC CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 10th day of June A. D. 1949.

Notice is hereby given that a joint application-declaration has been filed with this Commission, pursuant to the Public

Utility Holding Company Act of 1935 by Republic Service Corporation ("Republic"), a registered holding company, and Abington Electric Company ("Abington"), a subsidiary company of Republic. Sections 6, 9 and 12 of the Act and Rules U-42 and U-43 promulgated thereunder have been designated as being applicable to the proposed transactions.

Notice is further given that any interested person may, not later than June 24, 1949 at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said joint application-declaration, as filed or as amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after June 24, 1949, said joint application-declaration, as filed or as amended, may be granted or permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said joint application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which may be summarized as follows:

Abington proposes to issue and sell, at par, \$550,000 principal amount of 3½% First Mortgage Bonds, due 1969, and \$100,000 principal amount of Serial Notes, maturing in equal amounts annually from 1950 through 1957, and bearing an interest rate of 3¼%, to John Hancock Mutual Life Insurance Company. In addition, Abington proposes to issue and sell to Republic and Republic proposes to acquire 10,000 additional shares of Abington's no par value common for \$100,000.

Republic proposes to renew its present outstanding note in the amount of \$150,000 due July 1, 1949, for a nine months' period or to April 1, 1950.

Abington states that the proceeds from the sale of its bonds, serial notes, and common stock together with a credit from Republic in the amount of \$24,874.29, which represents an amount owing Abington, will be used to eliminate Abington's entire present indebtedness to Republic in the aggregate amount of \$765,000.

Republic, in turn, states that the net proceeds of \$640,125.71 which it will receive from Abington will be used as follows: \$500,000 for the pro rata prepayment on its outstanding notes due October 1, 1953; \$80,125.71 for advances on open account without interest to two subsidiary companies of Republic (other than Abington) for construction purposes; and \$60,000 for the payment of fees and expenses in connection with the recent reorganization of Republic pursuant to section 11 of the act.

The proposed issuance and sale of First Mortgage Bonds, Serial Notes, and additional common stock by Abington has

been submitted for approval to the Pennsylvania Public Utility Commission, the Commission of the state in which Abington is organized and doing business.

The applicant-declarant requests that the Commission's order herein be issued at the earliest date practicable and that such order be effective upon issuance.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 49-4855; Filed, June 16, 1949;
8:49 a. m.]

[File No. 812-595]

**FIRST YORK CORP. AND AMERICAN WHEEL-
ABRATOR & EQUIPMENT CORP.**

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its offices in the city of Washington, D. C., on the 13th day of June A. D. 1949.

Notice is hereby given that First York Corporation, a registered investment company, and American Wheelabrator & Equipment Corporation (Wheelabrator), a company engaged in the manufacture of industrial abrasive cleaning equipment, have filed an application under Rule N-17D-1, promulgated under the Investment Company Act of 1940, with respect to an amended Profit Sharing Plan and an amended Key Man Plan of Wheelabrator. A predecessor company of Wheelabrator filed an application under Rule N-17D-1 regarding the original Profit Sharing Plan and Key Man Plan herein involved, and such application was granted on March 17, 1947.

First York Corporation owns approximately 87% of the outstanding stock of Wheelabrator, and four of the eight directors of Wheelabrator are officers or directors of First York Corporation or one of its affiliates. It is conceded that Wheelabrator is a controlled person of First York Corporation within the meaning of the act.

In October 1948, the predecessor company of Wheelabrator carried out a corporate rearrangement, which resulted in its plant, machinery and certain cash being transferred to Wheelabrator Plant Corporation, and the balance of its assets and liabilities, including the plans which are the subject of this application, being transferred to American Wheelabrator & Equipment Corporation, the applicant herein. The purpose of the proposed amendments to the plans is stated to be to modify the bases for the plans so as to prevent any distortion of benefits thereunder which otherwise would result from the corporate reorganization of October 1948.

Rule N-17D-1 provides, in part that "No affiliated person of any registered investment company, or of any company controlled by any such registered company, shall participate in, or effect any transaction in connection with, any bonus, profit-sharing or pension plan or arrangement in which any such registered or controlled company is a par-

ticipant unless an application regarding such plan or arrangement has been filed with the Commission and has been granted by an order entered prior to the submission of such plan or arrangement to security holders for approval, or prior to the adoption thereof if not so submitted."

All interested persons are referred to said application which is on file at the Washington, D. C., office of the Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application may be issued by the Commission at any time after June 27, 1949 unless prior thereto a hearing upon the application is ordered by the Commission, as provided by Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than the 24th day of June, 1949, at 5:30 p. m. e. d. t., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed; Secretary, Securities and Exchange Commission, 425 Second Street, Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 49-4856; Filed, June 16, 1949;
8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Subordination Order 10]

STEEL UNION, INC.

Whereas by Vesting Order 7, executed May 16, 1942 (7 F. R. 3767, May 21, 1942), there was vested all of the issued and outstanding capital stock of Steel Union, Inc., a California corporation, which prior to vesting had been beneficially owned and controlled by Vereinigte Stahlwerke, A. G. of Germany; and

Whereas by Vesting Order 11440, executed June 10, 1948 (13 F. R. 3480, June 24, 1948), there was vested a certain debt or other obligation owed by the said California corporation to Steel Union Trading Co. Ltd. of Great Britain, which debt has been determined to amount, with interest accrued to December 31, 1940, to \$20,933.32; and

Whereas by said Vesting Order 11440 there was also vested a certain debt or

obligation owed by the said California corporation to Stahlunion-Export G. m. b. H. of Germany, which debt has been determined to amount to \$19,958.04 plus any accruals thereon; and

Whereas the said California corporation is at present being liquidated;

Now, under the authority of the Trading With the Enemy Act, as amended, and Executive Orders 9095, as amended, and 9788, and pursuant to law, the undersigned, after investigation:

(1) Finding that the said California corporation, Steel Union Trading Co., Ltd. and Stahlunion-Export G. m. b. H. were subsidiaries of Vereinigte Stahlwerke, A. G. and were dominated by it, and that all said business enterprises were in fact parts of a single organization; and

(2) Finding that the said California corporation, by virtue of the acts of the said Vereinigte Stahlwerke, A. G. and its subsidiary, Stahlunion-Export G. m. b. H. was improperly and insufficiently capitalized; and

(3) Finding that the above-mentioned vested debts in fact represent capital contributions; and

(4) Finding that the assets of the said California corporation are insufficient to pay all claims against it in full; and

(5) Determining that it is equitable and in the national interest of the United States to subordinate the above-mentioned vested debts to the claims of the other creditors of the said California corporation;

hereby directs the said California corporation and its duly authorized officers and directors (to wit: C. E. Rowe, President and Director, Eugene St. Germain, Vice President and Director, and Philip L. Isler, Secretary-Treasurer and Director and their successors, or any of them) to subordinate the above-mentioned vested debts to the claims of other creditors of, and claimants against, the said California corporation; and further directs the said California corporation to pay all its other creditors in full, and to deliver and pay over to the Attorney General, all assets remaining after such payments, the same to be applied on account of the said vested debts hereby directed to be subordinated; and further directs that all actions taken and acts done by the said officers and directors of the said California corporation, pursuant to this order and the directions contained herein, shall be deemed to have been taken and done in reliance on and pursuant to paragraph numbered (2) of subdivision (b) of section 5 of the Trading With the Enemy Act, as amended, and the acquittance and exculpation therein provided.

Executed at Washington, D. C., on June 14, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-4886; Filed, June 16, 1949;
8:56 a. m.]